

YEROX

1 The following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for the
3 fiscal year ending September 30, 2012, for military func-
4 tions administered by the Department of Defense and for
5 other purposes, namely:

6 **DIVISION A—DEPARTMENT OF DEFENSE**

7 **APPROPRIATIONS ACT, 2012**

8 **TITLE I**

9 **MILITARY PERSONNEL, ARMY**

10 For pay, allowances, individual clothing, subsistence,
11 interest on deposits, gratuities, permanent change of sta-
12 tion travel (including all expenses thereof for organiza-
13 tional movements), and expenses of temporary duty travel
14 between permanent duty stations, for members of the
15 Army on active duty, (except members of reserve compo-
16 nents provided for elsewhere), cadets, and aviation cadets;
17 for members of the Reserve Officers' Training Corps; and
18 for payments pursuant to section 156 of Public Law 97-
19 377, as amended (42 U.S.C. 402 note), and to the Depart-
20 ment of Defense Military Retirement Fund,
21 \$43,298,409,000.

22 **MILITARY PERSONNEL, NAVY**

23 For pay, allowances, individual clothing, subsistence,
24 interest on deposits, gratuities, permanent change of sta-

1 tion travel (including all expenses thereof for organiza-
2 tional movements), and expenses of temporary duty travel
3 between permanent duty stations, for members of the
4 Navy on active duty (except members of the Reserve pro-
5 vided for elsewhere), midshipmen, and aviation cadets; for
6 members of the Reserve Officers' Training Corps; and for
7 payments pursuant to section 156 of Public Law 97-377,
8 as amended (42 U.S.C. 402 note), and to the Department
9 of Defense Military Retirement Fund, \$26,803,334,000.

10 MILITARY PERSONNEL, MARINE CORPS

11 For pay, allowances, individual clothing, subsistence,
12 interest on deposits, gratuities, permanent change of sta-
13 tion travel (including all expenses thereof for organiza-
14 tional movements), and expenses of temporary duty travel
15 between permanent duty stations, for members of the Ma-
16 rine Corps on active duty (except members of the Reserve
17 provided for elsewhere); and for payments pursuant to sec-
18 tion 156 of Public Law 97-377, as amended (42 U.S.C.
19 402 note), and to the Department of Defense Military Re-
20 tirement Fund, \$13,635,136,000.

21 MILITARY PERSONNEL, AIR FORCE

22 For pay, allowances, individual clothing, subsistence,
23 interest on deposits, gratuities, permanent change of sta-
24 tion travel (including all expenses thereof for organiza-
25 tional movements), and expenses of temporary duty travel

1 between permanent duty stations, for members of the Air
2 Force on active duty (except members of reserve compo-
3 nents provided for elsewhere), cadets, and aviation cadets;
4 for members of the Reserve Officers' Training Corps; and
5 for payments pursuant to section 156 of Public Law 97-
6 377, as amended (42 U.S.C. 402 note), and to the Depart-
7 ment of Defense Military Retirement Fund,
8 \$28,096,708,000.

9 RESERVE PERSONNEL, ARMY

10 For pay, allowances, clothing, subsistence, gratuities,
11 travel, and related expenses for personnel of the Army Re-
12 serve on active duty under sections 10211, 10302, and
13 3038 of title 10, United States Code, or while serving on
14 active duty under section 12301(d) of title 10, United
15 States Code, in connection with performing duty specified
16 in section 12310(a) of title 10, United States Code, or
17 while undergoing reserve training, or while performing
18 drills or equivalent duty or other duty, and expenses au-
19 thorized by section 16131 of title 10, United States Code;
20 and for payments to the Department of Defense Military
21 Retirement Fund, \$4,289,407,000.

22 RESERVE PERSONNEL, NAVY

23 For pay, allowances, clothing, subsistence, gratuities,
24 travel, and related expenses for personnel of the Navy Re-
25 serve on active duty under section 10211 of title 10,

1 United States Code, or while serving on active duty under
2 section 12301(d) of title 10, United States Code, in con-
3 nection with performing duty specified in section 12310(a)
4 of title 10, United States Code, or while undergoing re-
5 serve training, or while performing drills or equivalent
6 duty, and expenses authorized by section 16131 of title
7 10, United States Code; and for payments to the Depart-
8 ment of Defense Military Retirement Fund,
9 \$1,935,544,000.

10 RESERVE PERSONNEL, MARINE CORPS

11 For pay, allowances, clothing, subsistence, gratuities,
12 travel, and related expenses for personnel of the Marine
13 Corps Reserve on active duty under section 10211 of title
14 10, United States Code, or while serving on active duty
15 under section 12301(d) of title 10, United States Code,
16 in connection with performing duty specified in section
17 12310(a) of title 10, United States Code, or while under-
18 going reserve training, or while performing drills or equiv-
19 alent duty, and for members of the Marine Corps platoon
20 leaders class, and expenses authorized by section 16131
21 of title 10, United States Code; and for payments to the
22 Department of Defense Military Retirement Fund,
23 \$644,722,000.

1 RESERVE PERSONNEL, AIR FORCE

2 For pay, allowances, clothing, subsistence, gratuities,
3 travel, and related expenses for personnel of the Air Force
4 Reserve on active duty under sections 10211, 10305, and
5 8038 of title 10, United States Code, or while serving on
6 active duty under section 12301(d) of title 10, United
7 States Code, in connection with performing duty specified
8 in section 12310(a) of title 10, United States Code, or
9 while undergoing reserve training, or while performing
10 drills or equivalent duty or other duty, and expenses au-
11 thorized by section 16131 of title 10, United States Code;
12 and for payments to the Department of Defense Military
13 Retirement Fund, \$1,712,705,000.

14 **NATIONAL GUARD PERSONNEL, ARMY**

15 For pay, allowances, clothing, subsistence, gratuities,
16 travel, and related expenses for personnel of the Army Na-
17 tional Guard while on duty under section 10211, 10302,
18 or 12402 of title 10 or section 708 of title 32, United
19 States Code, or while serving on duty under section
20 12301(d) of title 10 or section 502(f) of title 32, United
21 States Code, in connection with performing duty specified
22 in section 12310(a) of title 10, United States Code, or
23 while undergoing training, or while performing drills or
24 equivalent duty or other duty, and expenses authorized by
25 section 16131 of title 10, United States Code; and for pay-

1 ments to the Department of Defense Military Retirement
2 Fund, \$7,585,645,000.

3 **NATIONAL GUARD PERSONNEL, AIR FORCE**

4 For pay, allowances, clothing, subsistence, gratuities,
5 travel, and related expenses for personnel of the Air Na-
6 tional Guard on duty under section 10211, 10305, or
7 12402 of title 10 or section 708 of title 32, United States
8 Code, or while serving on duty under section 12301(d) of
9 title 10 or section 502(f) of title 32, United States Code,
10 in connection with performing duty specified in section
11 12310(a) of title 10, United States Code, or while under-
12 going training, or while performing drills or equivalent
13 duty or other duty, and expenses authorized by section
14 16131 of title 10, United States Code; and for payments
15 to the Department of Defense Military Retirement Fund,
16 \$3,088,929,000.

1 TITLE II

2 OPERATION AND MAINTENANCE

3 OPERATION AND MAINTENANCE, ARMY

4 For expenses, not otherwise provided for, necessary
5 for the operation and maintenance of the Army, as author-
6 ized by law; and not to exceed \$12,478,000 can be used
7 for emergencies and extraordinary expenses, to be ex-
8 pended on the approval or authority of the Secretary of
9 the Army, and payments may be made on his certificate
10 of necessity for confidential military purposes,
11 \$31,072,902,000.

12 OPERATION AND MAINTENANCE, NAVY

13 For expenses, not otherwise provided for, necessary
14 for the operation and maintenance of the Navy and the
15 Marine Corps, as authorized by law; and not to exceed
16 \$14,804,000 can be used for emergencies and extraor-
17 dinary expenses, to be expended on the approval or author-
18 ity of the Secretary of the Navy, and payments may be
19 made on his certificate of necessity for confidential mili-
20 tary purposes, \$38,120,821,000.

21 OPERATION AND MAINTENANCE, MARINE CORPS

22 For expenses, not otherwise provided for, necessary
23 for the operation and maintenance of the Marine Corps,
24 as authorized by law, \$5,542,937,000.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance of the Air Force, as
4 authorized by law; and not to exceed \$7,699,000 can be
5 used for emergencies and extraordinary expenses, to be ex-
6 pended on the approval or authority of the Secretary of
7 the Air Force, and payments may be made on his certifi-
8 cate of necessity for confidential military purposes,
9 \$34,985,486,000.

10 OPERATION AND MAINTENANCE, DEFENSE-WIDE

11 (INCLUDING TRANSFER OF FUNDS)

12 For expenses, not otherwise provided for, necessary
13 for the operation and maintenance of activities and agen-
14 cies of the Department of Defense (other than the military
15 departments), as authorized by law, \$30,152,008,000:
16 *Provided*, That not more than \$47,026,000 may be used
17 for the Combatant Commander Initiative Fund authorized
18 under section 166a of title 10, United States Code: *Pro-*
19 *vided further*, That not to exceed \$36,000,000 can be used
20 for emergencies and extraordinary expenses, to be ex-
21 pended on the approval or authority of the Secretary of
22 Defense, and payments may be made on his certificate of
23 necessity for confidential military purposes: *Provided fur-*
24 *ther*, That of the funds provided under this heading, not
25 less than \$34,311,000 shall be made available for the Pro-

1 curement Technical Assistance Cooperative Agreement
2 Program, of which not less than \$3,600,000 shall be avail-
3 able for centers defined in 10 U.S.C. 2411(1)(D): *Pro-*
4 *vided further*, That none of the funds appropriated or oth-
5 erwise made available by this Act may be used to plan
6 or implement the consolidation of a budget or appropria-
7 tions liaison office of the Office of the Secretary of De-
8 fense, the office of the Secretary of a military department,
9 or the service headquarters of one of the Armed Forces
10 into a legislative affairs or legislative liaison office: *Pro-*
11 *vided further*, That \$8,420,000, to remain available until
12 expended, is available only for expenses relating to certain
13 classified activities, and may be transferred as necessary
14 by the Secretary of Defense to operation and maintenance
15 appropriations or research, development, test and evalua-
16 tion appropriations, to be merged with and to be available
17 for the same time period as the appropriations to which
18 transferred: *Provided further*, That any ceiling on the in-
19 vestment item unit cost of items that may be purchased
20 with operation and maintenance funds shall not apply to
21 the funds described in the preceding proviso: *Provided fur-*
22 *ther*, That the transfer authority provided under this head-
23 ing is in addition to any other transfer authority provided
24 elsewhere in this Act.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Army Reserve; re-
5 pair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,071,733,000.

9 OPERATION AND MAINTENANCE, NAVY RESERVE

10 For expenses, not otherwise provided for, necessary
11 for the operation and maintenance, including training, or-
12 ganization, and administration, of the Navy Reserve; re-
13 pair of facilities and equipment; hire of passenger motor
14 vehicles; travel and transportation; care of the dead; re-
15 cruiting; procurement of services, supplies, and equip-
16 ment; and communications, \$1,305,134,000.

17 OPERATION AND MAINTENANCE, MARINE CORPS

18 RESERVE

19 For expenses, not otherwise provided for, necessary
20 for the operation and maintenance, including training, or-
21 ganization, and administration, of the Marine Corps Re-
22 serve; repair of facilities and equipment; hire of passenger
23 motor vehicles; travel and transportation; care of the dead;
24 recruiting; procurement of services, supplies, and equip-
25 ment; and communications, \$271,443,000.

1 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

2 For expenses, not otherwise provided for, necessary
3 for the operation and maintenance, including training, or-
4 ganization, and administration, of the Air Force Reserve;
5 repair of facilities and equipment; hire of passenger motor
6 vehicles; travel and transportation; care of the dead; re-
7 cruiting; procurement of services, supplies, and equip-
8 ment; and communications, \$3,274,359,000.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL

10 GUARD

11 For expenses of training, organizing, and admin-
12 istering the Army National Guard, including medical and
13 hospital treatment and related expenses in non-Federal
14 hospitals; maintenance, operation, and repairs to struc-
15 tures and facilities; hire of passenger motor vehicles; per-
16 sonnel services in the National Guard Bureau; travel ex-
17 penses (other than mileage), as authorized by law for
18 Army personnel on active duty, for Army National Guard
19 division, regimental, and battalion commanders while in-
20 specting units in compliance with National Guard Bureau
21 regulations when specifically authorized by the Chief, Na-
22 tional Guard Bureau; supplying and equipping the Army
23 National Guard as authorized by law; and expenses of re-
24 pair, modification, maintenance, and issue of supplies and
25 equipment (including aircraft), \$6,924,932,000.

1 **OPERATION AND MAINTENANCE, AIR NATIONAL GUARD**

2 For expenses of training, organizing, and admin-
3 istering the Air National Guard, including medical and
4 hospital treatment and related expenses in non-Federal
5 hospitals; maintenance, operation, and repairs to struc-
6 tures and facilities; transportation of things, hire of pas-
7 senger motor vehicles; supplying and equipping the Air
8 National Guard, as authorized by law; expenses for repair,
9 modification, maintenance, and issue of supplies and
10 equipment, including those furnished from stocks under
11 the control of agencies of the Department of Defense;
12 travel expenses (other than mileage) on the same basis as
13 authorized by law for Air National Guard personnel on
14 active Federal duty, for Air National Guard commanders
15 while inspecting units in compliance with National Guard
16 Bureau regulations when specifically authorized by the
17 Chief, National Guard Bureau, **\$6,098,780,000.**

18 **UNITED STATES COURT OF APPEALS FOR THE ARMED**
19 **FORCES**

20 For salaries and expenses necessary for the United
21 States Court of Appeals for the Armed Forces,
22 \$13,861,000, of which not to exceed \$5,000 may be used
23 for official representation purposes.

1 ENVIRONMENTAL RESTORATION, ARMY

2 (INCLUDING TRANSFER OF FUNDS)

3 For the Department of the Army, \$346,031,000, to
4 remain available until transferred: *Provided*, That the Sec-
5 retary of the Army shall, upon determining that such
6 funds are required for environmental restoration, reduc-
7 tion and recycling of hazardous waste, removal of unsafe
8 buildings and debris of the Department of the Army, or
9 for similar purposes, transfer the funds made available by
10 this appropriation to other appropriations made available
11 to the Department of the Army, to be merged with and
12 to be available for the same purposes and for the same
13 time period as the appropriations to which transferred:
14 *Provided further*, That upon a determination that all or
15 part of the funds transferred from this appropriation are
16 not necessary for the purposes provided herein, such
17 amounts may be transferred back to this appropriation:
18 *Provided further*, That the transfer authority provided
19 under this heading is in addition to any other transfer au-
20 thority provided elsewhere in this Act.

21 ENVIRONMENTAL RESTORATION, NAVY

22 (INCLUDING TRANSFER OF FUNDS)

23 For the Department of the Navy, \$308,668,000, to
24 remain available until transferred: *Provided*, That the Sec-
25 retary of the Navy shall, upon determining that such

1 funds are required for environmental restoration, reduc-
2 tion and recycling of hazardous waste, removal of unsafe
3 buildings and debris of the Department of the Navy, or
4 for similar purposes, transfer the funds made available by
5 this appropriation to other appropriations made available
6 to the Department of the Navy, to be merged with and
7 to be available for the same purposes and for the same
8 time period as the appropriations to which transferred:
9 *Provided further*, That upon a determination that all or
10 part of the funds transferred from this appropriation are
11 not necessary for the purposes provided herein, such
12 amounts may be transferred back to this appropriation:
13 *Provided further*, That the transfer authority provided
14 under this heading is in addition to any other transfer au-
15 thority provided elsewhere in this Act.

16 ENVIRONMENTAL RESTORATION, AIR FORCE

17 (INCLUDING TRANSFER OF FUNDS)

18 For the Department of the Air Force, \$525,453,000,
19 to remain available until transferred: *Provided*, That the
20 Secretary of the Air Force shall, upon determining that
21 such funds are required for environmental restoration, re-
22 duction and recycling of hazardous waste, removal of un-
23 safe buildings and debris of the Department of the Air
24 Force, or for similar purposes, transfer the funds made
25 available by this appropriation to other appropriations

1 made available to the Department of the Air Force, to be
2 merged with and to be available for the same purposes
3 and for the same time period as the appropriations to
4 which transferred: *Provided further*, That upon a deter-
5 mination that all or part of the funds transferred from
6 this appropriation are not necessary for the purposes pro-
7 vided herein, such amounts may be transferred back to
8 this appropriation: *Provided further*, That the transfer au-
9 thority provided under this heading is in addition to any
10 other transfer authority provided elsewhere in this Act.

11 ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
12 (INCLUDING TRANSFER OF FUNDS)

13 For the Department of Defense, \$10,716,000, to re-
14 main available until transferred: *Provided*, That the Sec-
15 retary of Defense shall, upon determining that such funds
16 are required for environmental restoration, reduction and
17 recycling of hazardous waste, removal of unsafe buildings
18 and debris of the Department of Defense, or for similar
19 purposes, transfer the funds made available by this appro-
20 priation to other appropriations made available to the De-
21 partment of Defense, to be merged with and to be avail-
22 able for the same purposes and for the same time period
23 as the appropriations to which transferred: *Provided fur-*
24 *ther*, That upon a determination that all or part of the
25 funds transferred from this appropriation are not nec-

1 essary for the purposes provided herein, such amounts
2 may be transferred back to this appropriation: *Provided*
3 *further*, That the transfer authority provided under this
4 heading is in addition to any other transfer authority pro-
5 vided elsewhere in this Act.

6 ENVIRONMENTAL RESTORATION, FORMERLY USED
7 DEFENSE SITES
8 (INCLUDING TRANSFER OF FUNDS)

9 For the Department of the Army, \$326,495,000, to
10 remain available until transferred: *Provided*, That the Sec-
11 retary of the Army shall, upon determining that such
12 funds are required for environmental restoration, reduc-
13 tion and recycling of hazardous waste, removal of unsafe
14 buildings and debris at sites formerly used by the Depart-
15 ment of Defense, transfer the funds made available by this
16 appropriation to other appropriations made available to
17 the Department of the Army, to be merged with and to
18 be available for the same purposes and for the same time
19 period as the appropriations to which transferred: *Pro-*
20 *vided further*, That upon a determination that all or part
21 of the funds transferred from this appropriation are not
22 necessary for the purposes provided herein, such amounts
23 may be transferred back to this appropriation: *Provided*
24 *further*, That the transfer authority provided under this

1 heading is in addition to any other transfer authority pro-
2 vided elsewhere in this Act.

3 OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

4 For expenses relating to the Overseas Humanitarian,
5 Disaster, and Civic Aid programs of the Department of
6 Defense (consisting of the programs provided under sec-
7 tions 401, 402, 404, 407, 2557, and 2561 of title 10,
8 United States Code), \$107,662,000, to remain available
9 until September 30, 2013.

10 COOPERATIVE THREAT REDUCTION ACCOUNT

11 For assistance to the republics of the former Soviet
12 Union and, with appropriate authorization by the Depart-
13 ment of Defense and Department of State, to countries
14 outside of the former Soviet Union, including assistance
15 provided by contract or by grants, for facilitating the
16 elimination and the safe and secure transportation and
17 storage of nuclear, chemical and other weapons; for estab-
18 lishing programs to prevent the proliferation of weapons,
19 weapons components, and weapon-related technology and
20 expertise; for programs relating to the training and sup-
21 port of defense and military personnel for demilitarization
22 and protection of weapons, weapons components and
23 weapons technology and expertise, and for defense and
24 military contacts, \$508,219,000, to remain available until
25 September 30, 2014: *Provided*, That of the amounts pro-

1 vided under this heading, not less than \$13,500,000 shall
2 be available only to support the dismantling and disposal
3 of nuclear submarines, submarine reactor components,
4 and security enhancements for transport and storage of
5 nuclear warheads in the Russian Far East and North.

6 DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE
7 DEVELOPMENT FUND

8 For the Department of Defense Acquisition Work-
9 force Development Fund, \$105,501,000.

1

TITLE III

2

PROCUREMENT

3

AIRCRAFT PROCUREMENT, ARMY

4 For construction, procurement, production, modifica-
5 tion, and modernization of aircraft, equipment, including
6 ordnance, ground handling equipment, spare parts, and
7 accessories therefor; specialized equipment and training
8 devices; expansion of public and private plants, including
9 the land necessary therefor, for the foregoing purposes,
10 and such lands and interests therein, may be acquired,
11 and construction prosecuted thereon prior to approval of
12 title; and procurement and installation of equipment, ap-
13 pliances, and machine tools in public and private plants;
14 reserve plant and Government and contractor-owned
15 equipment layaway; and other expenses necessary for the
16 foregoing purposes, \$5,360,334,000, to remain available
17 for obligation until September 30, 2014.

18

MISSILE PROCUREMENT, ARMY

19 For construction, procurement, production, modifica-
20 tion, and modernization of missiles, equipment, including
21 ordnance, ground handling equipment, spare parts, and
22 accessories therefor; specialized equipment and training
23 devices; expansion of public and private plants, including
24 the land necessary therefor, for the foregoing purposes,
25 and such lands and interests therein, may be acquired,

1 and construction prosecuted thereon prior to approval of
2 title; and procurement and installation of equipment, ap-
3 pliances, and machine tools in public and private plants;
4 reserve plant and Government and contractor-owned
5 equipment layaway; and other expenses necessary for the
6 foregoing purposes, \$1,461,223,000, to remain available
7 for obligation until September 30, 2014.

8 PROCUREMENT OF WEAPONS AND TRACKED COMBAT
9 VEHICLES, ARMY

10 For construction, procurement, production, and
11 modification of weapons and tracked combat vehicles,
12 equipment, including ordnance, spare parts, and acces-
13 sories therefor; specialized equipment and training devices;
14 expansion of public and private plants, including the land
15 necessary therefor, for the foregoing purposes, and such
16 lands and interests therein, may be acquired, and con-
17 struction prosecuted thereon prior to approval of title; and
18 procurement and installation of equipment, appliances,
19 and machine tools in public and private plants; reserve
20 plant and Government and contractor-owned equipment
21 layaway; and other expenses necessary for the foregoing
22 purposes, \$2,070,405,000, to remain available for obliga-
23 tion until September 30, 2014.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For construction, procurement, production, and
3 modification of ammunition, and accessories therefor; spe-
4 cialized equipment and training devices; expansion of pub-
5 lic and private plants, including ammunition facilities, au-
6 thorized by section 2854 of title 10, United States Code,
7 and the land necessary therefor, for the foregoing pur-
8 poses, and such lands and interests therein, may be ac-
9 quired, and construction prosecuted thereon prior to ap-
10 proval of title; and procurement and installation of equip-
11 ment, appliances, and machine tools in public and private
12 plants; reserve plant and Government and contractor-
13 owned equipment layaway; and other expenses necessary
14 for the foregoing purposes, \$1,884,424,000, to remain
15 available for obligation until September 30, 2014.

16 OTHER PROCUREMENT, ARMY

17 For construction, procurement, production, and
18 modification of vehicles, including tactical, support, and
19 non-tracked combat vehicles; the purchase of passenger
20 motor vehicles for replacement only; communications and
21 electronic equipment; other support equipment; spare
22 parts, ordnance, and accessories therefor; specialized
23 equipment and training devices; expansion of public and
24 private plants, including the land necessary therefor, for
25 the foregoing purposes, and such lands and interests

1 therein, may be acquired, and construction prosecuted
2 thereon prior to approval of title; and procurement and
3 installation of equipment, appliances, and machine tools
4 in public and private plants; reserve plant and Govern-
5 ment and contractor-owned equipment layaway; and other
6 expenses necessary for the foregoing purposes,
7 \$7,924,214,000, to remain available for obligation until
8 September 30, 2014.

9 AIRCRAFT PROCUREMENT, NAVY

10 For construction, procurement, production, modifica-
11 tion, and modernization of aircraft, equipment, including
12 ordnance, spare parts, and accessories therefor; specialized
13 equipment; expansion of public and private plants, includ-
14 ing the land necessary therefor, and such lands and inter-
15 ests therein, may be acquired, and construction prosecuted
16 thereon prior to approval of title; and procurement and
17 installation of equipment, appliances, and machine tools
18 in public and private plants; reserve plant and Govern-
19 ment and contractor-owned equipment layaway,
20 \$17,675,734,000, to remain available for obligation until
21 September 30, 2014.

22 WEAPONS PROCUREMENT, NAVY

23 For construction, procurement, production, modifica-
24 tion, and modernization of missiles, torpedoes, other weap-
25 ons, and related support equipment including spare parts,

1 and accessories therefor; expansion of public and private
2 plants, including the land necessary therefor, and such
3 lands and interests therein, may be acquired, and con-
4 struction prosecuted thereon prior to approval of title; and
5 procurement and installation of equipment, appliances,
6 and machine tools in public and private plants; reserve
7 plant and Government and contractor-owned equipment
8 layaway, \$3,224,432,000, to remain available for obliga-
9 tion until September 30, 2014.

10 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
11 CORPS

12 For construction, procurement, production, and
13 modification of ammunition, and accessories therefor; spe-
14 cialized equipment and training devices; expansion of pub-
15 lic and private plants, including ammunition facilities, au-
16 thorized by section 2854 of title 10, United States Code,
17 and the land necessary therefor, for the foregoing pur-
18 poses, and such lands and interests therein, may be ac-
19 quired, and construction prosecuted thereon prior to ap-
20 proval of title; and procurement and installation of equip-
21 ment, appliances, and machine tools in public and private
22 plants; reserve plant and Government and contractor-
23 owned equipment layaway; and other expenses necessary
24 for the foregoing purposes, \$626,848,000, to remain avail-
25 able for obligation until September 30, 2014.

1 SHIPBUILDING AND CONVERSION, NAVY

2 For expenses necessary for the construction, acqui-
3 tion, or conversion of vessels as authorized by law, includ-
4 ing armor and armament thereof, plant equipment, appli-
5 ances, and machine tools and installation thereof in public
6 and private plants; reserve plant and Government and con-
7 tractor-owned equipment layaway; procurement of critical,
8 long lead time components and designs for vessels to be
9 constructed or converted in the future; and expansion of
10 public and private plants, including land necessary there-
11 for, and such lands and interests therein, may be acquired,
12 and construction prosecuted thereon prior to approval of
13 title, as follows:

14 Carrier Replacement Program (AP),
15 \$554,798,000;

16 Virginia Class Submarine, \$3,221,314,000;

17 Virginia Class Submarine (AP),
18 \$1,461,361,000;

19 CVN Refuelings (AP), \$529,652,000;

20 DDG-1000 Program, \$453,727,000;

21 DDG-51 Destroyer, \$1,980,709,000;

22 DDG-51 Destroyer (AP), \$100,723,000;

23 Littoral Combat Ship, \$1,755,093,000;

24 LPD-17, \$1,837,444,000;

25 LHA-Replacement, \$1,999,191,000;

1 Joint High Speed Vessel, \$372,332,000;
2 Oceanographic Ships, \$89,000,000;
3 Moored Training Ship, \$131,200,000;
4 LCAC Service Life Extension Program,
5 \$84,076,000;
6 Service Craft, \$3,863,000; and
7 For outfitting, post delivery, conversions, and
8 first destination transportation, \$270,639,000.
9 Completion of Prior Year Shipbuilding Pro-
10 grams, \$73,992,000.

11 In all: \$14,919,114,000, to remain available for obli-
12 gation until September 30, 2016: *Provided*, That addi-
13 tional obligations may be incurred after September 30,
14 2016, for engineering services, tests, evaluations, and
15 other such budgeted work that must be performed in the
16 final stage of ship construction: *Provided further*, That
17 none of the funds provided under this heading for the con-
18 struction or conversion of any naval vessel to be con-
19 structed in shipyards in the United States shall be ex-
20 pended in foreign facilities for the construction of major
21 components of such vessel: *Provided further*, That none
22 of the funds provided under this heading shall be used
23 for the construction of any naval vessel in foreign ship-
24 yards.

1 OTHER PROCUREMENT, NAVY

2 For procurement, production, and modernization of
3 support equipment and materials not otherwise provided
4 for, Navy ordnance (except ordnance for new aircraft, new
5 ships, and ships authorized for conversion); the purchase
6 of passenger motor vehicles for replacement only; expan-
7 sion of public and private plants, including the land nec-
8 essary therefor, and such lands and interests therein, may
9 be acquired, and construction prosecuted thereon prior to
10 approval of title; and procurement and installation of
11 equipment, appliances, and machine tools in public and
12 private plants; reserve plant and Government and con-
13 tractor-owned equipment layaway, \$6,013,385,000, to re-
14 main available for obligation until September 30, 2014.

15 PROCUREMENT, MARINE CORPS

16 For expenses necessary for the procurement, manu-
17 facture, and modification of missiles, armament, military
18 equipment, spare parts, and accessories therefor; plant
19 equipment, appliances, and machine tools, and installation
20 thereof in public and private plants; reserve plant and
21 Government and contractor-owned equipment layaway; ve-
22 hicles for the Marine Corps, including the purchase of pas-
23 senger motor vehicles for replacement only; and expansion
24 of public and private plants, including land necessary
25 therefor, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title, \$1,422,570,000, to remain available for ob-
3 ligation until September 30, 2014.

4 AIRCRAFT PROCUREMENT, AIR FORCE
5 (INCLUDING TRANSFER OF FUNDS)

6 For construction, procurement, and modification of
7 aircraft and equipment, including armor and armament,
8 specialized ground handling equipment, and training de-
9 vices, spare parts, and accessories therefor; specialized
10 equipment; expansion of public and private plants, Gov-
11 ernment-owned equipment and installation thereof in such
12 plants, erection of structures, and acquisition of land, for
13 the foregoing purposes, and such lands and interests
14 therein, may be acquired, and construction prosecuted
15 thereon prior to approval of title; reserve plant and Gov-
16 ernment and contractor-owned equipment layaway; and
17 other expenses necessary for the foregoing purposes in-
18 cluding rents and transportation of things,
19 \$12,950,000,000, to remain available for obligation until
20 September 30, 2014: *Provided*, That of the amount made
21 available under this heading, \$63,500,000 made available
22 for C-130J aircraft shall be transferred to the Depart-
23 ment of Homeland Security, Coast Guard, "Acquisition,
24 Construction, and Improvements": *Provided further*, That
25 the transfer authority provided under this heading is in

1 addition to any other transfer authority provided else-
2 where in this Act.

3 MISSILE PROCUREMENT, AIR FORCE

4 For construction, procurement, and modification of
5 missiles, spacecraft, rockets, and related equipment, in-
6 cluding spare parts and accessories therefor, ground han-
7 dling equipment, and training devices; expansion of public
8 and private plants, Government-owned equipment and in-
9 stallation thereof in such plants, erection of structures,
10 and acquisition of land, for the foregoing purposes, and
11 such lands and interests therein, may be acquired, and
12 construction prosecuted thereon prior to approval of title;
13 reserve plant and Government and contractor-owned
14 equipment layaway; and other expenses necessary for the
15 foregoing purposes including rents and transportation of
16 things, \$6,080,877,000, to remain available for obligation
17 until September 30, 2014.

18 PROCUREMENT OF AMMUNITION, AIR FORCE

19 For construction, procurement, production, and
20 modification of ammunition, and accessories therefor; spe-
21 cialized equipment and training devices; expansion of pub-
22 lic and private plants, including ammunition facilities, au-
23 thorized by section 2854 of title 10, United States Code,
24 and the land necessary therefor, for the foregoing pur-
25 poses, and such lands and interests therein, may be ac-

1 quired, and construction prosecuted thereon prior to ap-
2 proval of title; and procurement and installation of equip-
3 ment, appliances, and machine tools in public and private
4 plants; reserve plant and Government and contractor-
5 owned equipment layaway; and other expenses necessary
6 for the foregoing purposes, \$499,185,000, to remain avail-
7 able for obligation until September 30, 2014.

8 OTHER PROCUREMENT, AIR FORCE

9 For procurement and modification of equipment (in-
10 cluding ground guidance and electronic control equipment,
11 and ground electronic and communication equipment),
12 and supplies, materials, and spare parts therefor, not oth-
13 erwise provided for; the purchase of passenger motor vehi-
14 cles for replacement only; lease of passenger motor vehi-
15 cles; and expansion of public and private plants, Govern-
16 ment-owned equipment and installation thereof in such
17 plants, erection of structures, and acquisition of land, for
18 the foregoing purposes, and such lands and interests
19 therein, may be acquired, and construction prosecuted
20 thereon, prior to approval of title; reserve plant and Gov-
21 ernment and contractor-owned equipment layaway,
22 \$17,403,564,000, to remain available for obligation until
23 September 30, 2014.

1 PROCUREMENT, DEFENSE-WIDE

2 For expenses of activities and agencies of the Depart-
3 ment of Defense (other than the military departments)
4 necessary for procurement, production, and modification
5 of equipment, supplies, materials, and spare parts there-
6 for, not otherwise provided for; the purchase of passenger
7 motor vehicles for replacement only; expansion of public
8 and private plants, equipment, and installation thereof in
9 such plants, erection of structures, and acquisition of land
10 for the foregoing purposes, and such lands and interests
11 therein, may be acquired, and construction prosecuted
12 thereon prior to approval of title; reserve plant and Gov-
13 ernment and contractor-owned equipment layaway,
14 \$4,893,428,000, to remain available for obligation until
15 September 30, 2014.

16 DEFENSE PRODUCTION ACT PURCHASES

17 For activities by the Department of Defense pursuant
18 to sections 108, 301, 302, and 303 of the Defense Produc-
19 tion Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and
20 2093), \$169,964,000, to remain available until expended.

1 TITLE IV
2 RESEARCH, DEVELOPMENT, TEST AND
3 EVALUATION

4 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
5 ARMY

6 For expenses necessary for basic and applied sci-
7 entific research, development, test and evaluation, includ-
8 ing maintenance, rehabilitation, lease, and operation of fa-
9 cilities and equipment, \$8,745,492,000, to remain avail-
10 able for obligation until September 30, 2013.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 NAVY

13 For expenses necessary for basic and applied sci-
14 entific research, development, test and evaluation, includ-
15 ing maintenance, rehabilitation, lease, and operation of fa-
16 cilities and equipment, \$17,753,940,000, to remain avail-
17 able for obligation until September 30, 2013: *Provided*,
18 That funds appropriated in this paragraph which are
19 available for the V-22 may be used to meet unique oper-
20 ational requirements of the Special Operations Forces:
21 *Provided further*, That funds appropriated in this para-
22 graph shall be available for the Cobra Judy program.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For expenses necessary for basic and applied sci-
4 entific research, development, test and evaluation, includ-
5 ing maintenance, rehabilitation, lease, and operation of fa-
6 cilities and equipment, \$26,535,996,000, to remain avail-
7 able for obligation until September 30, 2013.

8 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
9 DEFENSE-WIDE
10 (INCLUDING TRANSFER OF FUNDS)

11 For expenses of activities and agencies of the Depart-
12 ment of Defense (other than the military departments),
13 necessary for basic and applied scientific research, devel-
14 opment, test and evaluation; advanced research projects
15 as may be designated and determined by the Secretary
16 of Defense, pursuant to law; maintenance, rehabilitation,
17 lease, and operation of facilities and equipment,
18 \$19,193,955,000, to remain available for obligation until
19 September 30, 2013: *Provided*, That of the funds made
20 available in this paragraph, \$200,000,000 for the Defense
21 Rapid Innovation Program shall only be available for ex-
22 penses, not otherwise provided for, to include program
23 management and oversight, to conduct research, develop-
24 ment, test and evaluation to include proof of concept dem-
25 onstration; engineering, testing, and validation; and tran-

1 sition to full-scale production: *Provided further*, That the
2 Secretary of Defense may transfer funds provided herein
3 for the Defense Rapid Innovation Program to appropria-
4 tions for research, development, test and evaluation to ac-
5 complish the purpose provided herein: *Provided further*,
6 That this transfer authority is in addition to any other
7 transfer authority available to the Department of Defense:
8 *Provided further*, That the Secretary of Defense shall, not
9 fewer than 30 days prior to making transfers from this
10 appropriation, notify the congressional defense committees
11 in writing of the details of any such transfer.

12 OPERATIONAL TEST AND EVALUATION, DEFENSE

13 For expenses, not otherwise provided for, necessary
14 for the independent activities of the Director, Operational
15 Test and Evaluation, in the direction and supervision of
16 operational test and evaluation, including initial oper-
17 ational test and evaluation which is conducted prior to,
18 and in support of, production decisions; joint operational
19 testing and evaluation; and administrative expenses in
20 connection therewith, \$191,292,000, to remain available
21 for obligation until September 30, 2013.

1 TITLE V

2 REVOLVING AND MANAGEMENT FUNDS

3 DEFENSE WORKING CAPITAL FUNDS

4 For the Defense Working Capital Funds,
5 \$1,575,010,000.

6 NATIONAL DEFENSE SEALIFT FUND

7 For National Defense Sealift Fund programs,
8 projects, and activities, and for expenses of the National
9 Defense Reserve Fleet, as established by section 11 of the
10 Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744),
11 and for the necessary expenses to maintain and preserve
12 a U.S.-flag merchant fleet to serve the national security
13 needs of the United States, \$1,100,519,000, to remain
14 available until expended: *Provided*, That none of the funds
15 provided in this paragraph shall be used to award a new
16 contract that provides for the acquisition of any of the
17 following major components unless such components are
18 manufactured in the United States: auxiliary equipment,
19 including pumps, for all shipboard services; propulsion
20 system components (engines, reduction gears, and propel-
21 lers); shipboard cranes; and spreaders for shipboard
22 cranes: *Provided further*, That the exercise of an option
23 in a contract awarded through the obligation of previously
24 appropriated funds shall not be considered to be the award
25 of a new contract: *Provided further*, That the Secretary

1 of the military department responsible for such procure-
2 ment may waive the restrictions in the first proviso on
3 a case-by-case basis by certifying in writing to the Com-
4 mittees on Appropriations of the House of Representatives
5 and the Senate that adequate domestic supplies are not
6 available to meet Department of Defense requirements on
7 a timely basis and that such an acquisition must be made
8 in order to acquire capability for national security pur-
9 poses.

1 TITLE VI
2 OTHER DEPARTMENT OF DEFENSE PROGRAMS
3 DEFENSE HEALTH PROGRAM

4 For expenses, not otherwise provided for, for medical
5 and health care programs of the Department of Defense
6 as authorized by law, \$32,482,059,000; of which
7 \$30,582,235,000 shall be for operation and maintenance,
8 of which not to exceed 1 percent shall remain available
9 until September 30, 2013, and of which up to
10 \$16,512,141,000 may be available for contracts entered
11 into under the TRICARE program; of which
12 \$632,518,000, to remain available for obligation until Sep-
13 tember 30, 2014, shall be for procurement; and of which
14 \$1,267,306,000, to remain available for obligation until
15 September 30, 2013, shall be for research, development,
16 test and evaluation: *Provided*, That, notwithstanding any
17 other provision of law, of the amount made available under
18 this heading for research, development, test and evalua-
19 tion, not less than \$8,000,000 shall be available for HIV
20 prevention educational activities undertaken in connection
21 with United States military training, exercises, and hu-
22 manitarian assistance activities conducted primarily in Af-
23 rican nations.

1 CHEMICAL AGENTS AND MUNITIONS DESTRUCTION,
2 DEFENSE

3 For expenses, not otherwise provided for, necessary
4 for the destruction of the United States stockpile of lethal
5 chemical agents and munitions in accordance with the pro-
6 visions of section 1412 of the Department of Defense Au-
7 thorization Act, 1986 (50 U.S.C. 1521), and for the de-
8 struction of other chemical warfare materials that are not
9 in the chemical weapon stockpile, \$1,554,422,000, of
10 which \$1,147,691,000 shall be for operation and mainte-
11 nance, of which no less than \$71,211,000, shall be for the
12 Chemical Stockpile Emergency Preparedness Program,
13 consisting of \$19,211,000 for activities on military instal-
14 lations and \$52,000,000, to remain available until Sep-
15 tember 30, 2013, to assist State and local governments
16 and \$406,731,000, to remain available until September
17 30, 2013, shall be for research, development, test and eval-
18 uation, of which \$401,768,000 shall only be for the As-
19 sembled Chemical Weapons Alternatives (ACWA) pro-
20 gram.

21 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,
22 DEFENSE

23 (INCLUDING TRANSFER OF FUNDS)

24 For drug interdiction and counter-drug activities of
25 the Department of Defense, for transfer to appropriations

1 available to the Department of Defense for military per-
2 sonnel of the reserve components serving under the provi-
3 sions of title 10 and title 32, United States Code; for oper-
4 ation and maintenance; for procurement; and for research,
5 development, test and evaluation, \$1,209,620,000: *Pro-*
6 *vided*, That the funds appropriated under this heading
7 shall be available for obligation for the same time period
8 and for the same purpose as the appropriation to which
9 transferred: *Provided further*, That upon a determination
10 that all or part of the funds transferred from this appro-
11 priation are not necessary for the purposes provided here-
12 in, such amounts may be transferred back to this appro-
13 priation: *Provided further*, That the transfer authority pro-
14 vided under this heading is in addition to any other trans-
15 fer authority contained elsewhere in this Act: *Provided fur-*
16 *ther*, That \$23,000,000 may not be obligated or expended
17 until the Secretary of Defense submits an implementation
18 plan for the expansion of prescription drug testing to the
19 congressional defense committees.

20 OFFICE OF THE INSPECTOR GENERAL

21 For expenses and activities of the Office of the In-
22 spector General in carrying out the provisions of the In-
23 spector General Act of 1978, as amended, \$346,919,000,
24 of which \$341,419,000 shall be for operation and mainte-
25 nance, of which not to exceed \$700,000 is available for

1 emergencies and extraordinary expenses to be expended on
2 the approval or authority of the Inspector General, and
3 payments may be made on the Inspector General's certifi-
4 cate of necessity for confidential military purposes; of
5 which \$1,000,000, to remain available until September 30,
6 2014, shall be for procurement; and of which \$4,500,000,
7 to remain available until September 30, 2013, shall be for
8 research, development, testing, and evaluation.

1 TITLE VIII

2 GENERAL PROVISIONS

3 SEC. 8001. No part of any appropriation contained
4 in this Act shall be used for publicity or propaganda pur-
5 poses not authorized by the Congress.

6 SEC. 8002. During the current fiscal year, provisions
7 of law prohibiting the payment of compensation to, or em-
8 ployment of, any person not a citizen of the United States
9 shall not apply to personnel of the Department of Defense:
10 *Provided*, That salary increases granted to direct and indi-
11 rect hire foreign national employees of the Department of
12 Defense funded by this Act shall not be at a rate in excess
13 of the percentage increase authorized by law for civilian
14 employees of the Department of Defense whose pay is
15 computed under the provisions of section 5332 of title 5,
16 United States Code, or at a rate in excess of the percent-
17 age increase provided by the appropriate host nation to
18 its own employees, whichever is higher: *Provided further*,
19 That this section shall not apply to Department of De-
20 fense foreign service national employees serving at United
21 States diplomatic missions whose pay is set by the Depart-
22 ment of State under the Foreign Service Act of 1980: *Pro-*
23 *vided further*, That the limitations of this provision shall
24 not apply to foreign national employees of the Department
25 of Defense in the Republic of Turkey.

1 SEC. 8003. No part of any appropriation contained
2 in this Act shall remain available for obligation beyond
3 the current fiscal year, unless expressly so provided herein.

4 SEC. 8004. No more than 20 percent of the appro-
5 priations in this Act which are limited for obligation dur-
6 ing the current fiscal year shall be obligated during the
7 last 2 months of the fiscal year: *Provided*, That this sec-
8 tion shall not apply to obligations for support of active
9 duty training of reserve components or summer camp
10 training of the Reserve Officers' Training Corps.

11 (TRANSFER OF FUNDS)

12 SEC. 8005. Upon determination by the Secretary of
13 Defense that such action is necessary in the national inter-
14 est, he may, with the approval of the Office of Manage-
15 ment and Budget, transfer not to exceed \$3,750,000,000
16 of working capital funds of the Department of Defense
17 or funds made available in this Act to the Department
18 of Defense for military functions (except military con-
19 struction) between such appropriations or funds or any
20 subdivision thereof, to be merged with and to be available
21 for the same purposes, and for the same time period, as
22 the appropriation or fund to which transferred: *Provided*,
23 That such authority to transfer may not be used unless
24 for higher priority items, based on unforeseen military re-
25 quirements, than those for which originally appropriated

1 and in no case where the item for which funds are re-
2 quested has been denied by the Congress: *Provided further*,
3 That the Secretary of Defense shall notify the Congress
4 promptly of all transfers made pursuant to this authority
5 or any other authority in this Act: *Provided further*, That
6 no part of the funds in this Act shall be available to pre-
7 pare or present a request to the Committees on Appropria-
8 tions for reprogramming of funds, unless for higher pri-
9 ority items, based on unforeseen military requirements,
10 than those for which originally appropriated and in no
11 case where the item for which reprogramming is requested
12 has been denied by the Congress: *Provided further*, That
13 a request for multiple reprogrammings of funds using au-
14 thority provided in this section shall be made prior to June
15 30, 2012: *Provided further*, That transfers among military
16 personnel appropriations shall not be taken into account
17 for purposes of the limitation on the amount of funds that
18 may be transferred under this section.

19 SEC. 8006. (a) With regard to the list of specific pro-
20 grams, projects, and activities (and the dollar amounts
21 and adjustments to budget activities corresponding to
22 such programs, projects, and activities) contained in the
23 tables titled "Explanation of Project Level Adjustments"
24 in the explanatory statement regarding this Act, the obli-
25 gation and expenditure of amounts appropriated or other-

1 wise made available in this Act for those programs,
2 projects, and activities for which the amounts appro-
3 priated exceed the amounts requested are hereby required
4 by law to be carried out in the manner provided by such
5 tables to the same extent as if the tables were included
6 in the text of this Act.

7 (b) Amounts specified in the referenced tables de-
8 scribed in subsection (a) shall not be treated as subdivi-
9 sions of appropriations for purposes of section 8005 of this
10 Act: *Provided*, That section 8005 shall apply when trans-
11 fers of the amounts described in subsection (a) occur be-
12 tween appropriation accounts.

13 SEC. 8007. (a) Not later than 60 days after enact-
14 ment of this Act, the Department of Defense shall submit
15 a report to the congressional defense committees to estab-
16 lish the baseline for application of reprogramming and
17 transfer authorities for fiscal year 2012: *Provided*, That
18 the report shall include—

19 (1) a table for each appropriation with a sepa-
20 rate column to display the President's budget re-
21 quest, adjustments made by Congress, adjustments
22 due to enacted rescissions, if appropriate, and the
23 fiscal year enacted level;

24 (2) a delineation in the table for each appro-
25 priation both by budget activity and program,

1 project, and activity as detailed in the Budget Ap-
2 pendix; and

3 (3) an identification of items of special congres-
4 sional interest.

5 (b) Notwithstanding section 8005 of this Act, none
6 of the funds provided in this Act shall be available for
7 reprogramming or transfer until the report identified in
8 subsection (a) is submitted to the congressional defense
9 committees, unless the Secretary of Defense certifies in
10 writing to the congressional defense committees that such
11 reprogramming or transfer is necessary as an emergency
12 requirement.

13 (TRANSFER OF FUNDS)

14 SEC. 8008. During the current fiscal year, cash bal-
15 ances in working capital funds of the Department of De-
16 fense established pursuant to section 2208 of title 10,
17 United States Code, may be maintained in only such
18 amounts as are necessary at any time for cash disburse-
19 ments to be made from such funds: *Provided*, That trans-
20 fers may be made between such funds: *Provided further*,
21 That transfers may be made between working capital
22 funds and the "Foreign Currency Fluctuations, Defense"
23 appropriation and the "Operation and Maintenance" ap-
24 propriation accounts in such amounts as may be deter-
25 mined by the Secretary of Defense, with the approval of

1 the Office of Management and Budget, except that such
2 transfers may not be made unless the Secretary of Defense
3 has notified the Congress of the proposed transfer. Except
4 in amounts equal to the amounts appropriated to working
5 capital funds in this Act, no obligations may be made
6 against a working capital fund to procure or increase the
7 value of war reserve material inventory, unless the Sec-
8 retary of Defense has notified the Congress prior to any
9 such obligation.

10 SEC. 8009. Funds appropriated by this Act may not
11 be used to initiate a special access program without prior
12 notification 30 calendar days in advance to the congres-
13 sional defense committees.

14 SEC. 8010. None of the funds provided in this Act
15 shall be available to initiate: (1) a multiyear contract that
16 employs economic order quantity procurement in excess of
17 \$20,000,000 in any one year of the contract or that in-
18 cludes an unfunded contingent liability in excess of
19 \$20,000,000; or (2) a contract for advance procurement
20 leading to a multiyear contract that employs economic
21 order quantity procurement in excess of \$20,000,000 in
22 any one year, unless the congressional defense committees
23 have been notified at least 30 days in advance of the pro-
24 posed contract award: *Provided*, That no part of any ap-
25 propriation contained in this Act shall be available to ini-

1 tiate a multiyear contract for which the economic order
2 quantity advance procurement is not funded at least to
3 the limits of the Government's liability: *Provided further*,
4 That no part of any appropriation contained in this Act
5 shall be available to initiate multiyear procurement con-
6 tracts for any systems or component thereof if the value
7 of the multiyear contract would exceed \$500,000,000 un-
8 less specifically provided in this Act: *Provided further*,
9 That no multiyear procurement contract can be termi-
10 nated without 10-day prior notification to the congres-
11 sional defense committees: *Provided further*, That the exe-
12 cution of multiyear authority shall require the use of a
13 present value analysis to determine lowest cost compared
14 to an annual procurement: *Provided further*, That none of
15 the funds provided in this Act may be used for a multiyear
16 contract executed after the date of the enactment of this
17 Act unless in the case of any such contract—

18 (1) the Secretary of Defense has submitted to
19 Congress a budget request for full funding of units
20 to be procured through the contract and, in the case
21 of a contract for procurement of aircraft, that in-
22 cludes, for any aircraft unit to be procured through
23 the contract for which procurement funds are re-
24 quested in that budget request for production be-
25 yond advance procurement activities in the fiscal

1 year covered by the budget, full funding of procure-
2 ment of such unit in that fiscal year;

3 (2) cancellation provisions in the contract do
4 not include consideration of recurring manufacturing
5 costs of the contractor associated with the produc-
6 tion of unfunded units to be delivered under the con-
7 tract;

8 (3) the contract provides that payments to the
9 contractor under the contract shall not be made in
10 advance of incurred costs on funded units; and

11 (4) the contract does not provide for a price ad-
12 justment based on a failure to award a follow-on
13 contract.

14 Funds appropriated in title III of this Act may be
15 used for a multiyear procurement contract as follows:

16 UH-60M/HH-60M and MH-60R/MH-60S Heli-
17 copter Airframes; and MH-60R/S Mission Avionics and
18 Common Cockpits.

19 SEC. 8011. Within the funds appropriated for the op-
20 eration and maintenance of the Armed Forces, funds are
21 hereby appropriated pursuant to section 401 of title 10,
22 United States Code, for humanitarian and civic assistance
23 costs under chapter 20 of title 10, United States Code.
24 Such funds may also be obligated for humanitarian and
25 civic assistance costs incidental to authorized operations

1 and pursuant to authority granted in section 401 of chap-
2 ter 20 of title 10, United States Code, and these obliga-
3 tions shall be reported as required by section 401(d) of
4 title 10, United States Code: *Provided*, That funds avail-
5 able for operation and maintenance shall be available for
6 providing humanitarian and similar assistance by using
7 Civic Action Teams in the Trust Territories of the Pacific
8 Islands and freely associated states of Micronesia, pursu-
9 ant to the Compact of Free Association as authorized by
10 Public Law 99-239: *Provided further*, That upon a deter-
11 mination by the Secretary of the Army that such action
12 is beneficial for graduate medical education programs con-
13 ducted at Army medical facilities located in Hawaii, the
14 Secretary of the Army may authorize the provision of med-
15 ical services at such facilities and transportation to such
16 facilities, on a nonreimbursable basis, for civilian patients
17 from American Samoa, the Commonwealth of the North-
18 ern Mariana Islands, the Marshall Islands, the Federated
19 States of Micronesia, Palau, and Guam.

20 SEC. 8012. (a) During fiscal year 2012, the civilian
21 personnel of the Department of Defense may not be man-
22 aged on the basis of any end-strength, and the manage-
23 ment of such personnel during that fiscal year shall not
24 be subject to any constraint or limitation (known as an

1 end-strength) on the number of such personnel who may
2 be employed on the last day of such fiscal year.

3 (b) The fiscal year 2013 budget request for the De-
4 partment of Defense as well as all justification material
5 and other documentation supporting the fiscal year 2013
6 Department of Defense budget request shall be prepared
7 and submitted to the Congress as if subsections (a) and
8 (b) of this provision were effective with regard to fiscal
9 year 2013.

10 (c) Nothing in this section shall be construed to apply
11 to military (civilian) technicians.

12 SEC. 8013. None of the funds made available by this
13 Act shall be used in any way, directly or indirectly, to in-
14 fluence congressional action on any legislation or appro-
15 priation matters pending before the Congress.

16 SEC. 8014. None of the funds appropriated by this
17 Act shall be available for the basic pay and allowances of
18 any member of the Army participating as a full-time stu-
19 dent and receiving benefits paid by the Secretary of Vet-
20 erans Affairs from the Department of Defense Education
21 Benefits Fund when time spent as a full-time student is
22 credited toward completion of a service commitment: *Pro-*
23 *vided*, That this section shall not apply to those members
24 who have reenlisted with this option prior to October 1,

1 1987: *Provided further*, That this section applies only to
2 active components of the Army.

3 (TRANSFER OF FUNDS)

4 SEC. 8015. Funds appropriated in title III of this Act
5 for the Department of Defense Pilot Mentor-Protege Pro-
6 gram may be transferred to any other appropriation con-
7 tained in this Act solely for the purpose of implementing
8 a Mentor-Protege Program developmental assistance
9 agreement pursuant to section 831 of the National De-
10 fense Authorization Act for Fiscal Year 1991 (Public Law
11 101-510; 10 U.S.C. 2302 note), as amended, under the
12 authority of this provision or any other transfer authority
13 contained in this Act.

14 SEC. 8016. None of the funds in this Act may be
15 available for the purchase by the Department of Defense
16 (and its departments and agencies) of welded shipboard
17 anchor and mooring chain 4 inches in diameter and under
18 unless the anchor and mooring chain are manufactured
19 in the United States from components which are substan-
20 tially manufactured in the United States: *Provided*, That
21 for the purpose of this section, the term “manufactured”
22 shall include cutting, heat treating, quality control, testing
23 of chain and welding (including the forging and shot blast-
24 ing process): *Provided further*, That for the purpose of this
25 section substantially all of the components of anchor and

1 mooring chain shall be considered to be produced or manu-
2 factured in the United States if the aggregate cost of the
3 components produced or manufactured in the United
4 States exceeds the aggregate cost of the components pro-
5 duced or manufactured outside the United States: *Pro-*
6 *vided further*, That when adequate domestic supplies are
7 not available to meet Department of Defense requirements
8 on a timely basis, the Secretary of the service responsible
9 for the procurement may waive this restriction on a case-
10 by-case basis by certifying in writing to the Committees
11 on Appropriations that such an acquisition must be made
12 in order to acquire capability for national security pur-
13 poses.

14 SEC. 8017. None of the funds available to the De-
15 partment of Defense may be used to demilitarize or dis-
16 pose of M-1 Carbines, M-1 Garand rifles, M-14 rifles,
17 .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or
18 to demilitarize or destroy small arms ammunition or am-
19 munition components that are not otherwise prohibited
20 from commercial sale under Federal law, unless the small
21 arms ammunition or ammunition components are certified
22 by the Secretary of the Army or designee as unserviceable
23 or unsafe for further use.

24 SEC. 8018. No more than \$500,000 of the funds ap-
25 propriated or made available in this Act shall be used dur-

1 ing a single fiscal year for any single relocation of an orga-
2 nization, unit, activity or function of the Department of
3 Defense into or within the National Capital Region: *Pro-*
4 *vided*, That the Secretary of Defense may waive this re-
5 striction on a case-by-case basis by certifying in writing
6 to the congressional defense committees that such a relo-
7 cation is required in the best interest of the Government.

8 SEC. 8019. In addition to the funds provided else-
9 where in this Act, \$15,000,000 is appropriated only for
10 incentive payments authorized by section 504 of the In-
11 dian Financing Act of 1974 (25 U.S.C. 1544): *Provided*,
12 That a prime contractor or a subcontractor at any tier
13 that makes a subcontract award to any subcontractor or
14 supplier as defined in section 1544 of title 25, United
15 States Code, or a small business owned and controlled by
16 an individual or individuals defined under section 4221(9)
17 of title 25, United States Code, shall be considered a con-
18 tractor for the purposes of being allowed additional com-
19 pensation under section 504 of the Indian Financing Act
20 of 1974 (25 U.S.C. 1544) whenever the prime contract
21 or subcontract amount is over \$500,000 and involves the
22 expenditure of funds appropriated by an Act making Ap-
23 propriations for the Department of Defense with respect
24 to any fiscal year: *Provided further*, That notwithstanding
25 section 1906 of title 41, United States Code, this section

1 shall be applicable to any Department of Defense acquisi-
2 tion of supplies or services, including any contract and any
3 subcontract at any tier for acquisition of commercial items
4 produced or manufactured, in whole or in part, by any
5 subcontractor or supplier defined in section 1544 of title
6 25, United States Code, or a small business owned and
7 controlled by an individual or individuals defined under
8 section 4221(9) of title 25, United States Code.

9 SEC. 8020. Funds appropriated by this Act for the
10 Defense Media Activity shall not be used for any national
11 or international political or psychological activities.

12 SEC. 8021. During the current fiscal year, the De-
13 partment of Defense is authorized to incur obligations of
14 not to exceed \$350,000,000 for purposes specified in sec-
15 tion 2350j(c) of title 10, United States Code, in anticipa-
16 tion of receipt of contributions, only from the Government
17 of Kuwait, under that section: *Provided*, That upon re-
18 ceipt, such contributions from the Government of Kuwait
19 shall be credited to the appropriations or fund which in-
20 curred such obligations.

21 SEC. 8022. (a) Of the funds made available in this
22 Act, not less than \$37,745,000 shall be available for the
23 Civil Air Patrol Corporation, of which—

24 (1) \$27,838,000 shall be available from “Oper-
25 ation and Maintenance, Air Force” to support Civil

1 Air Patrol Corporation operation and maintenance,
2 readiness, counterdrug activities, and drug demand
3 reduction activities involving youth programs;

4 (2) \$8,990,000 shall be available from "Aircraft
5 Procurement, Air Force"; and

6 (3) \$917,000 shall be available from "Other
7 Procurement, Air Force" for vehicle procurement.

8 (b) The Secretary of the Air Force should waive reim-
9 bursement for any funds used by the Civil Air Patrol for
10 counter-drug activities in support of Federal, State, and
11 local government agencies.

12 SEC. 8023. (a) None of the funds appropriated in this
13 Act are available to establish a new Department of De-
14 fense (department) federally funded research and develop-
15 ment center (FFRDC), either as a new entity, or as a
16 separate entity administrated by an organization man-
17 aging another FFRDC, or as a nonprofit membership cor-
18 poration consisting of a consortium of other FFRDCs and
19 other nonprofit entities.

20 (b) No member of a Board of Directors, Trustees,
21 Overseers, Advisory Group, Special Issues Panel, Visiting
22 Committee, or any similar entity of a defense FFRDC,
23 and no paid consultant to any defense FFRDC, except
24 when acting in a technical advisory capacity, may be com-
25 pensated for his or her services as a member of such enti-

1 ty, or as a paid consultant by more than one FFRDC in
2 a fiscal year: *Provided*, That a member of any such entity
3 referred to previously in this subsection shall be allowed
4 travel expenses and per diem as authorized under the Fed-
5 eral Joint Travel Regulations, when engaged in the per-
6 formance of membership duties.

7 (c) Notwithstanding any other provision of law, none
8 of the funds available to the department from any source
9 during fiscal year 2012 may be used by a defense FFRDC,
10 through a fee or other payment mechanism, for construc-
11 tion of new buildings, for payment of cost sharing for
12 projects funded by Government grants, for absorption of
13 contract overruns, or for certain charitable contributions,
14 not to include employee participation in community service
15 and/or development.

16 (d) Notwithstanding any other provision of law, of
17 the funds available to the department during fiscal year
18 2012, not more than 5,750 staff years of technical effort
19 (staff years) may be funded for defense FFRDCs: *Pro-*
20 *vided*, That of the specific amount referred to previously
21 in this subsection, not more than 1,125 staff years may
22 be funded for the defense studies and analysis FFRDCs:
23 *Provided further*, That this subsection shall not apply to
24 staff years funded in the National Intelligence Program
25 (NIP) and the Military Intelligence Program (MIP).

1 (e) The Secretary of Defense shall, with the submis-
2 sion of the department's fiscal year 2013 budget request,
3 submit a report presenting the specific amounts of staff
4 years of technical effort to be allocated for each defense
5 FFRDC during that fiscal year and the associated budget
6 estimates.

7 (f) Notwithstanding any other provision of this Act,
8 the total amount appropriated in this Act for FFRDCs
9 is hereby reduced by \$150,245,000.

10 SEC. 8024. None of the funds appropriated or made
11 available in this Act shall be used to procure carbon, alloy
12 or armor steel plate for use in any Government-owned fa-
13 cility or property under the control of the Department of
14 Defense which were not melted and rolled in the United
15 States or Canada: *Provided*, That these procurement re-
16 strictions shall apply to any and all Federal Supply Class
17 9515, American Society of Testing and Materials (ASTM)
18 or American Iron and Steel Institute (AISI) specifications
19 of carbon, alloy or armor steel plate: *Provided further*,
20 That the Secretary of the military department responsible
21 for the procurement may waive this restriction on a case-
22 by-case basis by certifying in writing to the Committees
23 on Appropriations of the House of Representatives and the
24 Senate that adequate domestic supplies are not available
25 to meet Department of Defense requirements on a timely

1 basis and that such an acquisition must be made in order
2 to acquire capability for national security purposes: *Pro-*
3 *vided further*, That these restrictions shall not apply to
4 contracts which are in being as of the date of the enact-
5 ment of this Act.

6 SEC. 8025. For the purposes of this Act, the term
7 “congressional defense committees” means the Armed
8 Services Committee of the House of Representatives, the
9 Armed Services Committee of the Senate, the Sub-
10 committee on Defense of the Committee on Appropriations
11 of the Senate, and the Subcommittee on Defense of the
12 Committee on Appropriations of the House of Representa-
13 tives.

14 SEC. 8026. During the current fiscal year, the De-
15 partment of Defense may acquire the modification, depot
16 maintenance and repair of aircraft, vehicles and vessels
17 as well as the production of components and other De-
18 fense-related articles, through competition between De-
19 partment of Defense depot maintenance activities and pri-
20 vate firms: *Provided*, That the Senior Acquisition Execu-
21 tive of the military department or Defense Agency con-
22 cerned, with power of delegation, shall certify that success-
23 ful bids include comparable estimates of all direct and in-
24 direct costs for both public and private bids: *Provided fur-*
25 *ther*, That Office of Management and Budget Circular A—

1 76 shall not apply to competitions conducted under this
2 section.

3 SEC. 8027. (a)(1) If the Secretary of Defense, after
4 consultation with the United States Trade Representative,
5 determines that a foreign country which is party to an
6 agreement described in paragraph (2) has violated the
7 terms of the agreement by discriminating against certain
8 types of products produced in the United States that are
9 covered by the agreement, the Secretary of Defense shall
10 rescind the Secretary's blanket waiver of the Buy Amer-
11 ican Act with respect to such types of products produced
12 in that foreign country.

13 (2) An agreement referred to in paragraph (1) is any
14 reciprocal defense procurement memorandum of under-
15 standing, between the United States and a foreign country
16 pursuant to which the Secretary of Defense has prospec-
17 tively waived the Buy American Act for certain products
18 in that country.

19 (b) The Secretary of Defense shall submit to the Con-
20 gress a report on the amount of Department of Defense
21 purchases from foreign entities in fiscal year 2012. Such
22 report shall separately indicate the dollar value of items
23 for which the Buy American Act was waived pursuant to
24 any agreement described in subsection (a)(2), the Trade
25 Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any

1 international agreement to which the United States is a
2 party.

3 (c) For purposes of this section, the term “Buy
4 American Act” means chapter 83 of title 41, United
5 States Code.

6 SEC. 8028. During the current fiscal year, amounts
7 contained in the Department of Defense Overseas Military
8 Facility Investment Recovery Account established by sec-
9 tion 2921(c)(1) of the National Defense Authorization Act
10 of 1991 (Public Law 101–510; 10 U.S.C. 2687 note) shall
11 be available until expended for the payments specified by
12 section 2921(c)(2) of that Act.

13 SEC. 8029. (a) Notwithstanding any other provision
14 of law, the Secretary of the Air Force may convey at no
15 cost to the Air Force, without consideration, to Indian
16 tribes located in the States of Nevada, Idaho, North Da-
17 kota, South Dakota, Montana, Oregon, Minnesota, and
18 Washington relocatable military housing units located at
19 Grand Forks Air Force Base, Malmstrom Air Force Base,
20 Mountain Home Air Force Base, Ellsworth Air Force
21 Base, and Minot Air Force Base that are excess to the
22 needs of the Air Force.

23 (b) The Secretary of the Air Force shall convey, at
24 no cost to the Air Force, military housing units under sub-
25 section (a) in accordance with the request for such units

1 that are submitted to the Secretary by the Operation
2 Walking Shield Program on behalf of Indian tribes located
3 in the States of Nevada, Idaho, North Dakota, South Da-
4 kota, Montana, Oregon, Minnesota, and Washington. Any
5 such conveyance shall be subject to the condition that the
6 housing units shall be removed within a reasonable period
7 of time, as determined by the Secretary.

8 (c) The Operation Walking Shield Program shall re-
9 solve any conflicts among requests of Indian tribes for
10 housing units under subsection (a) before submitting re-
11 quests to the Secretary of the Air Force under subsection
12 (b).

13 (d) In this section, the term "Indian tribe" means
14 any recognized Indian tribe included on the current list
15 published by the Secretary of the Interior under section
16 104 of the Federally Recognized Indian Tribe Act of 1994
17 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-
18 1).

19 SEC. 8030. During the current fiscal year, appropria-
20 tions which are available to the Department of Defense
21 for operation and maintenance may be used to purchase
22 items having an investment item unit cost of not more
23 than \$250,000.

24 SEC. 8031. (a) During the current fiscal year, none
25 of the appropriations or funds available to the Department

1 of Defense Working Capital Funds shall be used for the
2 purchase of an investment item for the purpose of acquir-
3 ing a new inventory item for sale or anticipated sale dur-
4 ing the current fiscal year or a subsequent fiscal year to
5 customers of the Department of Defense Working Capital
6 Funds if such an item would not have been chargeable
7 to the Department of Defense Business Operations Fund
8 during fiscal year 1994 and if the purchase of such an
9 investment item would be chargeable during the current
10 fiscal year to appropriations made to the Department of
11 Defense for procurement.

12 (b) The fiscal year 2013 budget request for the De-
13 partment of Defense as well as all justification material
14 and other documentation supporting the fiscal year 2013
15 Department of Defense budget shall be prepared and sub-
16 mitted to the Congress on the basis that any equipment
17 which was classified as an end item and funded in a pro-
18 curement appropriation contained in this Act shall be
19 budgeted for in a proposed fiscal year 2013 procurement
20 appropriation and not in the supply management business
21 area or any other area or category of the Department of
22 Defense Working Capital Funds.

23 SEC. 8032. None of the funds appropriated by this
24 Act for programs of the Central Intelligence Agency shall
25 remain available for obligation beyond the current fiscal

1 year, except for funds appropriated for the Reserve for
2 Contingencies, which shall remain available until Sep-
3 tember 30, 2013: *Provided*, That funds appropriated,
4 transferred, or otherwise credited to the Central Intel-
5 ligence Agency Central Services Working Capital Fund
6 during this or any prior or subsequent fiscal year shall
7 remain available until expended: *Provided further*, That
8 any funds appropriated or transferred to the Central Intel-
9 ligence Agency for advanced research and development ac-
10 quisition, for agent operations, and for covert action pro-
11 grams authorized by the President under section 503 of
12 the National Security Act of 1947, as amended, shall re-
13 main available until September 30, 2013.

14 SEC. 8033. Notwithstanding any other provision of
15 law, funds made available in this Act for the Defense In-
16 telligence Agency may be used for the design, develop-
17 ment, and deployment of General Defense Intelligence
18 Program intelligence communications and intelligence in-
19 formation systems for the Services, the Unified and Speci-
20 fied Commands, and the component commands.

21 SEC. 8034. Of the funds appropriated to the Depart-
22 ment of Defense under the heading "Operation and Main-
23 tenance, Defense-Wide", not less than \$12,000,000 shall
24 be made available only for the mitigation of environmental
25 impacts, including training and technical assistance to

1 tribes, related administrative support, the gathering of in-
2 formation, documenting of environmental damage, and de-
3 veloping a system for prioritization of mitigation and cost
4 to complete estimates for mitigation, on Indian lands re-
5 sulting from Department of Defense activities.

6 SEC. 8035. (a) None of the funds appropriated in this
7 Act may be expended by an entity of the Department of
8 Defense unless the entity, in expending the funds, com-
9 plies with the Buy American Act. For purposes of this
10 subsection, the term "Buy American Act" means chapter
11 83 of title 41, United States Code.

12 (b) If the Secretary of Defense determines that a per-
13 son has been convicted of intentionally affixing a label
14 bearing a "Made in America" inscription to any product
15 sold in or shipped to the United States that is not made
16 in America, the Secretary shall determine, in accordance
17 with section 2410f of title 10, United States Code, wheth-
18 er the person should be debarred from contracting with
19 the Department of Defense.

20 (c) In the case of any equipment or products pur-
21 chased with appropriations provided under this Act, it is
22 the sense of the Congress that any entity of the Depart-
23 ment of Defense, in expending the appropriation, purchase
24 only American-made equipment and products, provided
25 that American-made equipment and products are cost-

1 competitive, quality competitive, and available in a timely
2 fashion.

3 SEC. 8036. None of the funds appropriated by this
4 Act shall be available for a contract for studies, analysis,
5 or consulting services entered into without competition on
6 the basis of an unsolicited proposal unless the head of the
7 activity responsible for the procurement determines—

8 (1) as a result of thorough technical evaluation,
9 only one source is found fully qualified to perform
10 the proposed work;

11 (2) the purpose of the contract is to explore an
12 unsolicited proposal which offers significant sci-
13 entific or technological promise, represents the prod-
14 uct of original thinking, and was submitted in con-
15 fidence by one source; or

16 (3) the purpose of the contract is to take ad-
17 vantage of unique and significant industrial accom-
18 plishment by a specific concern, or to insure that a
19 new product or idea of a specific concern is given fi-
20 nancial support: *Provided*, That this limitation shall
21 not apply to contracts in an amount of less than
22 \$25,000, contracts related to improvements of equip-
23 ment that is in development or production, or con-
24 tracts as to which a civilian official of the Depart-
25 ment of Defense, who has been confirmed by the

1 Senate, determines that the award of such contract
2 is in the interest of the national defense.

3 SEC. 8037. (a) Except as provided in subsections (b)
4 and (c), none of the funds made available by this Act may
5 be used—

6 (1) to establish a field operating agency; or

7 (2) to pay the basic pay of a member of the
8 Armed Forces or civilian employee of the depart-
9 ment who is transferred or reassigned from a head-
10 quarters activity if the member or employee's place
11 of duty remains at the location of that headquarters.

12 (b) The Secretary of Defense or Secretary of a mili-
13 tary department may waive the limitations in subsection
14 (a), on a case-by-case basis, if the Secretary determines,
15 and certifies to the Committees on Appropriations of the
16 House of Representatives and Senate that the granting
17 of the waiver will reduce the personnel requirements or
18 the financial requirements of the department.

19 (c) This section does not apply to—

20 (1) field operating agencies funded within the
21 National Intelligence Program;

22 (2) an Army field operating agency established
23 to eliminate, mitigate, or counter the effects of im-
24 proved explosive devices, and, as determined by the
25 Secretary of the Army, other similar threats; or

1 (3) an Army field operating agency established
2 to improve the effectiveness and efficiencies of bio-
3 metric activities and to integrate common biometric
4 technologies throughout the Department of Defense.
5 SEC. 8038. The Secretary of Defense, notwith-
6 standing any other provision of law, acting through the
7 Office of Economic Adjustment of the Department of De-
8 fense, may use funds made available in this Act under the
9 heading "Operation and Maintenance, Defense-Wide" to
10 make grants and supplement other Federal funds in ac-
11 cordance with the guidance provided in the explanatory
12 statement regarding this Act.

13 SEC. 8039. (a) None of the funds appropriated by
14 this Act shall be available to convert to contractor per-
15 formance an activity or function of the Department of De-
16 fense that, on or after the date of the enactment of this
17 Act, is performed by Department of Defense civilian em-
18 ployees unless—

19 (1) the conversion is based on the result of a
20 public-private competition that includes a most effi-
21 cient and cost effective organization plan developed
22 by such activity or function;

23 (2) the Competitive Sourcing Official deter-
24 mines that, over all performance periods stated in
25 the solicitation of offers for performance of the ac-

1 tivity or function, the cost of performance of the ac-
2 tivity or function by a contractor would be less costly
3 to the Department of Defense by an amount that
4 equals or exceeds the lesser of—

5 (A) 10 percent of the most efficient organi-
6 zation's personnel-related costs for performance
7 of that activity or function by Federal employ-
8 ees; or

9 (B) \$10,000,000; and

10 (3) the contractor does not receive an advan-
11 tage for a proposal that would reduce costs for the
12 Department of Defense by—

13 (A) not making an employer-sponsored
14 health insurance plan available to the workers
15 who are to be employed in the performance of
16 that activity or function under the contract; or

17 (B) offering to such workers an employer-
18 sponsored health benefits plan that requires the
19 employer to contribute less towards the pre-
20 mium or subscription share than the amount
21 that is paid by the Department of Defense for
22 health benefits for civilian employees under
23 chapter 89 of title 5, United States Code.

24 (b)(1) The Department of Defense, without regard
25 to subsection (a) of this section or subsection (a), (b), or

1 (c) of section 2461 of title 10, United States Code, and
2 notwithstanding any administrative regulation, require-
3 ment, or policy to the contrary shall have full authority
4 to enter into a contract for the performance of any com-
5 mercial or industrial type function of the Department of
6 Defense that—

7 (A) is included on the procurement list es-
8 tablished pursuant to section 2 of the Javits-
9 Wagner-O'Day Act (section 8503 of title 41,
10 United States Code);

11 (B) is planned to be converted to perform-
12 ance by a qualified nonprofit agency for the
13 blind or by a qualified nonprofit agency for
14 other severely handicapped individuals in ac-
15 cordance with that Act; or

16 (C) is planned to be converted to perform-
17 ance by a qualified firm under at least 51 per-
18 cent ownership by an Indian tribe, as defined in
19 section 4(e) of the Indian Self-Determination
20 and Education Assistance Act (25 U.S.C.
21 450b(e)), or a Native Hawaiian Organization,
22 as defined in section 8(a)(15) of the Small
23 Business Act (15 U.S.C. 637(a)(15)).

24 (2) This section shall not apply to depot con-
25 tracts or contracts for depot maintenance as pro-

1 vided in sections 2469 and 2474 of title 10, United
2 States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

(RESCISSIONS)

13 SEC. 8040. Of the funds appropriated in Department
14 of Defense Appropriations Acts, the following funds are
15 hereby rescinded from the following accounts and pro-
16 grams in the specified amounts:

17 "National Defense Sealift Fund, 2002/XXXX",
18 \$20,444,000;

19 "National Defense Sealift Fund, 2003/XXXX",
20 \$8,500,000;

21 “National Defense Sealift Fund, 2004/XXXX”,
22 \$6,500,000;

23 “Aircraft Procurement, Army, 2010/2012”,
24 \$5,100,000;

1 “Procurement of Weapons and Tracked Combat
2 Vehicles, Army, 2010/2012”, \$4,353,000;

3 “Procurement of Ammunition, Army, 2010/
4 2012”, \$21,674,000;

5 “Other Procurement, Army, 2010/2012”,
6 \$58,647,000;

7 “Aircraft Procurement, Navy, 2010/2012”,
8 \$90,000,000;

9 “Aircraft Procurement, Air Force, 2010/2012”,
10 \$32,897,000;

11 “Missile Procurement, Air Force, 2010/2012”,
12 \$3,889,000;

13 “Other Procurement, Air Force, 2010/2012”,
14 \$12,200,000;

15 “Procurement, Defense-Wide, 2010/2012”,
16 \$716,000;

17 “Aircraft Procurement, Army, 2011/2013”,
18 \$21,500,000;

19 “Missile Procurement, Army, 2011/2013”,
20 \$99,800,000;

21 “Procurement of Weapons and Tracked Combat
22 Vehicles, Army, 2011/2013”, \$18,834,000;

23 “Procurement of Ammunition, Army, 2011/
24 2013”, \$15,000,000;

1 “Other Procurement, Army, 2011/2013”,
2 \$438,436,000;

3 “Aircraft Procurement, Navy, 2011/2013”,
4 \$78,000,000;

5 “Weapons Procurement, Navy, 2011/2013”,
6 \$34,276,000;

7 “Procurement of Ammunition, Navy and Ma-
8 rine Corps, 2011/2013”, \$28,262,000;

9 “Other Procurement, Navy, 2011/2013”,
10 \$59,598,000;

11 Under the heading, “Shipbuilding and Conver-
12 sion, Navy, 2011/2015”: Littoral Combat Ship Ad-
13 vance Procurement: \$110,351,000;

14 “Aircraft Procurement, Air Force, 2011/2013”,
15 \$220,213,000;

16 “Missile Procurement, Air Force, 2011/2013”,
17 \$193,900,000;

18 “Other Procurement, Air Force, 2011/2013”,
19 \$52,868,000;

20 “Procurement, Defense-Wide, 2011/2013”,
21 \$4,312,000;

22 “Research, Development, Test and Evaluation,
23 Army, 2011/2012”, \$356,625,000;

24 “Research, Development, Test and Evaluation,
25 Navy, 2011/2012”, \$65,687,000;

1 “Research, Development, Test and Evaluation,
2 Air Force, 2011/2012”, \$258,094,000;

3 “Research, Development, Test and Evaluation,
4 Defense-Wide, 2011/2012”, \$254,284,000;

5 “Defense Health Program, 2011/2012”,
6 \$257,000:

7 *Provided*, That the funds rescinded from the
8 National Defense Sealift accounts are those de-
9 scribed under the heading “National Defense Sealift
10 Fund” in Public Law 107–117, Public Law 107–
11 248, and Public Law 108–87, or for the purposes
12 described in section 115 of division H of Public Law
13 108–199, as amended by section 1017 of division A
14 of Public Law 109–13.

15 SEC. 8041. None of the funds available in this Act
16 may be used to reduce the authorized positions for mili-
17 tary technicians (dual status) of the Army National
18 Guard, Air National Guard, Army Reserve and Air Force
19 Reserve for the purpose of applying any administratively
20 imposed civilian personnel ceiling, freeze, or reduction on
21 military technicians (dual status), unless such reductions
22 are a direct result of a reduction in military force struc-
23 ture.

24 SEC. 8042. None of the funds appropriated or other-
25 wise made available in this Act may be obligated or ex-

1 pended for assistance to the Democratic People's Republic
2 of Korea unless specifically appropriated for that purpose.

3 SEC. 8043. Funds appropriated in this Act for oper-
4 ation and maintenance of the Military Departments, Com-
5 batant Commands and Defense Agencies shall be available
6 for reimbursement of pay, allowances and other expenses
7 which would otherwise be incurred against appropriations
8 for the National Guard and Reserve when members of the
9 National Guard and Reserve provide intelligence or coun-
10 terintelligence support to Combatant Commands, Defense
11 Agencies and Joint Intelligence Activities, including the
12 activities and programs included within the National Intel-
13 ligence Program and the Military Intelligence Program:
14 *Provided*, That nothing in this section authorizes deviation
15 from established Reserve and National Guard personnel
16 and training procedures.

17 SEC. 8044. During the current fiscal year, none of
18 the funds appropriated in this Act may be used to reduce
19 the civilian medical and medical support personnel as-
20 signed to military treatment facilities below the September
21 30, 2003, level: *Provided*, That the Service Surgeons Gen-
22 eral may waive this section by certifying to the congres-
23 sional defense committees that the beneficiary population
24 is declining in some catchment areas and civilian strength

1 reductions may be consistent with responsible resource
2 stewardship and capitation-based budgeting.

3 SEC. 8045. (a) None of the funds available to the
4 Department of Defense for any fiscal year for drug inter-
5 diction or counter-drug activities may be transferred to
6 any other department or agency of the United States ex-
7 cept as specifically provided in an appropriations law.

8 (b) None of the funds available to the Central Intel-
9 ligence Agency for any fiscal year for drug interdiction
10 and counter-drug activities may be transferred to any
11 other department or agency of the United States except
12 as specifically provided in an appropriations law.

13 SEC. 8046. None of the funds appropriated by this
14 Act may be used for the procurement of ball and roller
15 bearings other than those produced by a domestic source
16 and of domestic origin: *Provided*, That the Secretary of
17 the military department responsible for such procurement
18 may waive this restriction on a case-by-case basis by certi-
19 fying in writing to the Committees on Appropriations of
20 the House of Representatives and the Senate, that ade-
21 quate domestic supplies are not available to meet Depart-
22 ment of Defense requirements on a timely basis and that
23 such an acquisition must be made in order to acquire ca-
24 pability for national security purposes: *Provided further*,
25 That this restriction shall not apply to the purchase of

1 “commercial items”, as defined by section 4(12) of the
2 Office of Federal Procurement Policy Act, except that the
3 restriction shall apply to ball or roller bearings purchased
4 as end items.

5 SEC. 8047. None of the funds in this Act may be
6 used to purchase any supercomputer which is not manu-
7 factured in the United States, unless the Secretary of De-
8 fense certifies to the congressional defense committees
9 that such an acquisition must be made in order to acquire
10 capability for national security purposes that is not avail-
11 able from United States manufacturers.

12 SEC. 8048. None of the funds made available in this
13 or any other Act may be used to pay the salary of any
14 officer or employee of the Department of Defense who ap-
15 proves or implements the transfer of administrative re-
16 sponsibilities or budgetary resources of any program,
17 project, or activity financed by this Act to the jurisdiction
18 of another Federal agency not financed by this Act with-
19 out the express authorization of Congress: *Provided*, That
20 this limitation shall not apply to transfers of funds ex-
21 pressly provided for in Defense Appropriations Acts, or
22 provisions of Acts providing supplemental appropriations
23 for the Department of Defense.

24 SEC. 8049. (a) Notwithstanding any other provision
25 of law, none of the funds available to the Department of

1 Defense for the current fiscal year may be obligated or
2 expended to transfer to another nation or an international
3 organization any defense articles or services (other than
4 intelligence services) for use in the activities described in
5 subsection (b) unless the congressional defense commit-
6 tees, the Committee on Foreign Affairs of the House of
7 Representatives, and the Committee on Foreign Relations
8 of the Senate are notified 15 days in advance of such
9 transfer.

10 (b) This section applies to—

11 (1) any international peacekeeping or peace-en-
12 forcement operation under the authority of chapter
13 VI or chapter VII of the United Nations Charter
14 under the authority of a United Nations Security
15 Council resolution; and

16 (2) any other international peacekeeping, peace-
17 enforcement, or humanitarian assistance operation.

18 (c) A notice under subsection (a) shall include the
19 following:

20 (1) A description of the equipment, supplies, or
21 services to be transferred.

22 (2) A statement of the value of the equipment,
23 supplies, or services to be transferred.

24 (3) In the case of a proposed transfer of equip-
25 ment or supplies—

1 (A) a statement of whether the inventory
2 requirements of all elements of the Armed
3 Forces (including the reserve components) for
4 the type of equipment or supplies to be trans-
5 ferred have been met; and

6 (B) a statement of whether the items pro-
7 posed to be transferred will have to be replaced
8 and, if so, how the President proposes to pro-
9 vide funds for such replacement.

10 SEC. 8050. None of the funds available to the De-
11 partment of Defense under this Act shall be obligated or
12 expended to pay a contractor under a contract with the
13 Department of Defense for costs of any amount paid by
14 the contractor to an employee when—

15 (1) such costs are for a bonus or otherwise in
16 excess of the normal salary paid by the contractor
17 to the employee; and

18 (2) such bonus is part of restructuring costs as-
19 sociated with a business combination.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8051. During the current fiscal year, no more
22 than \$30,000,000 of appropriations made in this Act
23 under the heading “Operation and Maintenance, Defense-
24 Wide” may be transferred to appropriations available for
25 the pay of military personnel, to be merged with, and to

1 be available for the same time period as the appropriations
2 to which transferred, to be used in support of such per-
3 sonnel in connection with support and services for eligible
4 organizations and activities outside the Department of De-
5 fense pursuant to section 2012 of title 10, United States
6 Code.

7 SEC. 8052. During the current fiscal year, in the case
8 of an appropriation account of the Department of Defense
9 for which the period of availability for obligation has ex-
10 pired or which has closed under the provisions of section
11 1552 of title 31, United States Code, and which has a
12 negative unliquidated or unexpended balance, an obliga-
13 tion or an adjustment of an obligation may be charged
14 to any current appropriation account for the same purpose
15 as the expired or closed account if—

16 (1) the obligation would have been properly
17 chargeable (except as to amount) to the expired or
18 closed account before the end of the period of avail-
19 ability or closing of that account;

20 (2) the obligation is not otherwise properly
21 chargeable to any current appropriation account of
22 the Department of Defense; and

23 (3) in the case of an expired account, the obli-
24 gation is not chargeable to a current appropriation
25 of the Department of Defense under the provisions

1 of section 1405(b)(8) of the National Defense Au-
2 thorization Act for Fiscal Year 1991, Public Law
3 101-510, as amended (31 U.S.C. 1551 note): *Pro-*
4 *vided*, That in the case of an expired account, if sub-
5 sequent review or investigation discloses that there
6 was not in fact a negative unliquidated or unex-
7 pended balance in the account, any charge to a cur-
8 rent account under the authority of this section shall
9 be reversed and recorded against the expired ac-
10 count: *Provided further*, That the total amount
11 charged to a current appropriation under this sec-
12 tion may not exceed an amount equal to 1 percent
13 of the total appropriation for that account.

14 SEC. 8053. (a) Notwithstanding any other provision
15 of law, the Chief of the National Guard Bureau may per-
16 mit the use of equipment of the National Guard Distance
17 Learning Project by any person or entity on a space-avail-
18 able, reimbursable basis. The Chief of the National Guard
19 Bureau shall establish the amount of reimbursement for
20 such use on a case-by-case basis.

21 (b) Amounts collected under subsection (a) shall be
22 credited to funds available for the National Guard Dis-
23 tance Learning Project and be available to defray the costs
24 associated with the use of equipment of the project under

1 that subsection. Such funds shall be available for such
2 purposes without fiscal year limitation.

3 SEC. 8054. Using funds made available by this Act
4 or any other Act, the Secretary of the Air Force, pursuant
5 to a determination under section 2690 of title 10, United
6 States Code, may implement cost-effective agreements for
7 required heating facility modernization in the
8 Kaiserslautern Military Community in the Federal Repub-
9 lic of Germany: *Provided*, That in the City of
10 Kaiserslautern and at the Rhine Ordnance Barracks area,
11 such agreements will include the use of United States an-
12 thracite as the base load energy for municipal district heat
13 to the United States Defense installations: *Provided fur-*
14 *ther*, That at Landstuhl Army Regional Medical Center
15 and Ramstein Air Base, furnished heat may be obtained
16 from private, regional or municipal services, if provisions
17 are included for the consideration of United States coal
18 as an energy source.

19 SEC. 8055. None of the funds appropriated in title
20 IV of this Act may be used to procure end-items for deliv-
21 ery to military forces for operational training, operational
22 use or inventory requirements: *Provided*, That this restric-
23 tion does not apply to end-items used in development,
24 prototyping, and test activities preceding and leading to
25 acceptance for operational use: *Provided further*, That this

1 restriction does not apply to programs funded within the
2 National Intelligence Program: *Provided further*, That the
3 Secretary of Defense may waive this restriction on a case-
4 by-case basis by certifying in writing to the Committees
5 on Appropriations of the House of Representatives and the
6 Senate that it is in the national security interest to do
7 so.

8 SEC. 8056. None of the funds made available in this
9 Act may be used to approve or license the sale of the F-
10 22A advanced tactical fighter to any foreign government:
11 *Provided*, That the Department of Defense may conduct
12 or participate in studies, research, design and other activi-
13 ties to define and develop a future export version of the
14 F-22A that protects classified and sensitive information,
15 technologies and U.S. warfighting capabilities.

16 SEC. 8057. (a) The Secretary of Defense may, on a
17 case-by-case basis, waive with respect to a foreign country
18 each limitation on the procurement of defense items from
19 foreign sources provided in law if the Secretary determines
20 that the application of the limitation with respect to that
21 country would invalidate cooperative programs entered
22 into between the Department of Defense and the foreign
23 country, or would invalidate reciprocal trade agreements
24 for the procurement of defense items entered into under
25 section 2531 of title 10, United States Code, and the

1 country does not discriminate against the same or similar
2 defense items produced in the United States for that coun-
3 try.

4 (b) Subsection (a) applies with respect to—

5 (1) contracts and subcontracts entered into on
6 or after the date of the enactment of this Act; and

7 (2) options for the procurement of items that
8 are exercised after such date under contracts that
9 are entered into before such date if the option prices
10 are adjusted for any reason other than the applica-
11 tion of a waiver granted under subsection (a).

12 (c) Subsection (a) does not apply to a limitation re-
13 garding construction of public vessels, ball and roller bear-
14 ings, food, and clothing or textile materials as defined by
15 section 11 (chapters 50–65) of the Harmonized Tariff
16 Schedule and products classified under headings 4010,
17 4202, 4203, 6401 through 6406, 6505, 7019, 7218
18 through 7229, 7304.41 through 7304.49, 7306.40, 7502
19 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

20 SEC. 8058. (a) None of the funds made available by
21 this Act may be used to support any training program in-
22 volving a unit of the security forces or police of a foreign
23 country if the Secretary of Defense has received credible
24 information from the Department of State that the unit

1 has committed a gross violation of human rights, unless
2 all necessary corrective steps have been taken.

3 (b) The Secretary of Defense, in consultation with the
4 Secretary of State, shall ensure that prior to a decision
5 to conduct any training program referred to in subsection
6 (a), full consideration is given to all credible information
7 available to the Department of State relating to human
8 rights violations by foreign security forces.

9 (c) The Secretary of Defense, after consultation with
10 the Secretary of State, may waive the prohibition in sub-
11 section (a) if he determines that such waiver is required
12 by extraordinary circumstances.

13 (d) Not more than 15 days after the exercise of any
14 waiver under subsection (c), the Secretary of Defense shall
15 submit a report to the congressional defense committees
16 describing the extraordinary circumstances, the purpose
17 and duration of the training program, the United States
18 forces and the foreign security forces involved in the train-
19 ing program, and the information relating to human rights
20 violations that necessitates the waiver.

21 SEC. 8059. None of the funds appropriated or other-
22 wise made available by this or other Department of De-
23 fense Appropriations Acts may be obligated or expended
24 for the purpose of performing repairs or maintenance to
25 military family housing units of the Department of De-

1 fense, including areas in such military family housing
2 units that may be used for the purpose of conducting offi-
3 cial Department of Defense business.

4 SEC. 8060. Notwithstanding any other provision of
5 law, funds appropriated in this Act under the heading
6 “Research, Development, Test and Evaluation, Defense-
7 Wide” for any new start advanced concept technology
8 demonstration project or joint capability demonstration
9 project may only be obligated 45 days after a report, in-
10 cluding a description of the project, the planned acquisi-
11 tion and transition strategy and its estimated annual and
12 total cost, has been provided in writing to the congres-
13 sional defense committees: *Provided*, That the Secretary
14 of Defense may waive this restriction on a case-by-case
15 basis by certifying to the congressional defense committees
16 that it is in the national interest to do so.

17 SEC. 8061. The Secretary of Defense shall provide
18 a classified quarterly report beginning 30 days after enact-
19 ment of this Act, to the House and Senate Appropriations
20 Committees, Subcommittees on Defense on certain mat-
21 ters as directed in the classified annex accompanying this
22 Act.

23 SEC. 8062. During the current fiscal year, none of
24 the funds available to the Department of Defense may be
25 used to provide support to another department or agency

1 of the United States if such department or agency is more
2 than 90 days in arrears in making payment to the Depart-
3 ment of Defense for goods or services previously provided
4 to such department or agency on a reimbursable basis:
5 *Provided*, That this restriction shall not apply if the de-
6 partment is authorized by law to provide support to such
7 department or agency on a nonreimbursable basis, and is
8 providing the requested support pursuant to such author-
9 ity: *Provided further*, That the Secretary of Defense may
10 waive this restriction on a case-by-case basis by certifying
11 in writing to the Committees on Appropriations of the
12 House of Representatives and the Senate that it is in the
13 national security interest to do so.

14 SEC. 8063. Notwithstanding section 12310(b) of title
15 10, United States Code, a Reserve who is a member of
16 the National Guard serving on full-time National Guard
17 duty under section 502(f) of title 32, United States Code,
18 may perform duties in support of the ground-based ele-
19 ments of the National Ballistic Missile Defense System.

20 SEC. 8064. None of the funds provided in this Act
21 may be used to transfer to any nongovernmental entity
22 ammunition held by the Department of Defense that has
23 a center-fire cartridge and a United States military no-
24 menclature designation of “armor penetrator”, “armor
25 piercing (AP)”, “armor piercing incendiary (API)”, or

1 “armor-piercing incendiary tracer (API-T)”, except to an
2 entity performing demilitarization services for the Depart-
3 ment of Defense under a contract that requires the entity
4 to demonstrate to the satisfaction of the Department of
5 Defense that armor piercing projectiles are either: (1) ren-
6 dered incapable of reuse by the demilitarization process;
7 or (2) used to manufacture ammunition pursuant to a con-
8 tract with the Department of Defense or the manufacture
9 of ammunition for export pursuant to a License for Per-
10 manent Export of Unclassified Military Articles issued by
11 the Department of State.

12 SEC. 8065. Notwithstanding any other provision of
13 law, the Chief of the National Guard Bureau, or his des-
14 ignee, may waive payment of all or part of the consider-
15 ation that otherwise would be required under section 2667
16 of title 10, United States Code, in the case of a lease of
17 personal property for a period not in excess of 1 year to
18 any organization specified in section 508(d) of title 32,
19 United States Code, or any other youth, social, or fra-
20 ternal nonprofit organization as may be approved by the
21 Chief of the National Guard Bureau, or his designee, on
22 a case-by-case basis.

23 SEC. 8066. None of the funds appropriated by this
24 Act shall be used for the support of any nonappropriated
25 funds activity of the Department of Defense that procures

1 malt beverages and wine with nonappropriated funds for
2 resale (including such alcoholic beverages sold by the
3 drink) on a military installation located in the United
4 States unless such malt beverages and wine are procured
5 within that State, or in the case of the District of Colum-
6 bia, within the District of Columbia, in which the military
7 installation is located: *Provided*, That in a case in which
8 the military installation is located in more than one State,
9 purchases may be made in any State in which the installa-
10 tion is located: *Provided further*, That such local procure-
11 ment requirements for malt beverages and wine shall
12 apply to all alcoholic beverages only for military installa-
13 tions in States which are not contiguous with another
14 State: *Provided further*, That alcoholic beverages other
15 than wine and malt beverages, in contiguous States and
16 the District of Columbia shall be procured from the most
17 competitive source, price and other factors considered.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8067. Of the amounts appropriated in this Act
20 under the heading "Operation and Maintenance, Army",
21 \$124,493,000 shall remain available until expended: *Pro-*
22 *vided*, That notwithstanding any other provision of law,
23 the Secretary of Defense is authorized to transfer such
24 funds to other activities of the Federal Government: *Pro-*
25 *vided further*, That the Secretary of Defense is authorized

1 to enter into and carry out contracts for the acquisition
2 of real property, construction, personal services, and oper-
3 ations related to projects carrying out the purposes of this
4 section: *Provided further*, That contracts entered into
5 under the authority of this section may provide for such
6 indemnification as the Secretary determines to be nec-
7 essary: *Provided further*, That projects authorized by this
8 section shall comply with applicable Federal, State, and
9 local law to the maximum extent consistent with the na-
10 tional security, as determined by the Secretary of Defense.

11 SEC. 8068. Section 8106 of the Department of De-
12 fense Appropriations Act, 1997 (titles I through VIII of
13 the matter under subsection 101(b) of Public Law 104-
14 208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall con-
15 tinue in effect to apply to disbursements that are made
16 by the Department of Defense in fiscal year 2012.

17 SEC. 8069. In addition to amounts provided else-
18 where in this Act, \$4,000,000 is hereby appropriated to
19 the Department of Defense, to remain available for obliga-
20 tion until expended: *Provided*, That notwithstanding any
21 other provision of law, that upon the determination of the
22 Secretary of Defense that it shall serve the national inter-
23 est, these funds shall be available only for a grant to the
24 Fisher House Foundation, Inc., only for the construction
25 and furnishing of additional Fisher Houses to meet the

1 needs of military family members when confronted with
2 the illness or hospitalization of an eligible military bene-
3 ficiary.

4 SEC. 8070. (a) IN GENERAL.—Subchapter I of chap-
5 ter 88 of title 10, United States Code, is amended by add-
6 ing the following new section at its end—

7 **“§ 1790. MILITARY PERSONNEL CITIZENSHIP**
8 **PROCESSING.**

9 “AUTHORIZATION OF PAYMENTS.—Using funds pro-
10 vided for operation and maintenance and notwithstanding
11 section 2215 of title 10, United States Code, the Secretary
12 of Defense may reimburse the Secretary of Homeland Se-
13 curity for costs associated with the processing and adju-
14 dication by the United States Citizenship and Immigration
15 Services (USCIS) of applications for naturalization de-
16 scribed in sections 328(b)(4) and 329(b)(4) of the Immi-
17 gration and Nationality Act (8 U.S.C. §§ 1439(b)(4) and
18 1440(b)(4)). Such reimbursements shall be deposited and
19 remain available as provided by sections 286(m) and (n)
20 of such Act (8 U.S.C. § 1356(m)). Such reimbursements
21 shall be based on actual costs incurred by USCIS for proc-
22 essing applications for naturalization, and shall not exceed
23 \$7,500,000 per fiscal year.”.

24 (b) CLERICAL AMENDMENT.—The table of sections
25 at the beginning of subchapter I of chapter 88 of title 10,

1 United States Code, is amended by inserting after the
2 item relating to section 1789 the following new item:

“1790. Military personnel citizenship processing.”.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8071. Of the amounts appropriated in this Act
5 under the heading “Research, Development, Test and
6 Evaluation, Defense-Wide”, \$235,700,000 shall be for the
7 Israeli Cooperative Programs: *Provided*, That of this
8 amount, \$110,525,000 shall be for the Short Range Bal-
9 listic Missile Defense (SRBMD) program, including cruise
10 missile defense research and development under the
11 SRBMD program, of which \$15,000,000 shall be for pro-
12 duction activities of SRBMD missiles in the United States
13 and in Israel to meet Israel’s defense requirements con-
14 sistent with each nation’s laws, regulations, and proce-
15 dures, \$66,220,000 shall be available for an upper-tier
16 component to the Israeli Missile Defense Architecture, and
17 \$58,955,000 shall be for the Arrow System Improvement
18 Program including development of a long range, ground
19 and airborne, detection suite: *Provided further*, That funds
20 made available under this provision for production of mis-
21 siles and missile components may be transferred to appro-
22 priations available for the procurement of weapons and
23 equipment, to be merged with and to be available for the
24 same time period and the same purposes as the appropria-
25 tion to which transferred: *Provided further*, That the

1 transfer authority provided under this provision is in addi-
2 tion to any other transfer authority contained in this Act.

3 SEC. 8072. (a) None of the funds available to the
4 Department of Defense may be obligated to modify com-
5 mand and control relationships to give Fleet Forces Com-
6 mand operational and administrative control of U.S. Navy
7 forces assigned to the Pacific fleet.

8 (b) None of the funds available to the Department
9 of Defense may be obligated to modify command and con-
10 trol relationships to give United States Transportation
11 Command operational and administrative control of C-
12 130 and KC-135 forces assigned to the Pacific and Euro-
13 pean Air Force Commands.

14 (c) The command and control relationships in sub-
15 sections (a) and (b) which existed on March 13, 2011,
16 shall remain in force unless changes are specifically au-
17 thorized in a subsequent Act.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 8073. Of the amounts appropriated in this Act
20 under the heading "Shipbuilding and Conversion, Navy",
21 \$73,992,000 shall be available until September 30, 2012,
22 to fund prior year shipbuilding cost increases: *Provided*,
23 That upon enactment of this Act, the Secretary of the
24 Navy shall transfer funds to the following appropriations
25 in the amounts specified: *Provided further*, That the

1 amounts transferred shall be merged with and be available
2 for the same purposes as the appropriations to which
3 transferred to:

4 (1) Under the heading "Shipbuilding and Con-
5 version, Navy, 2005/2012": LPD-17 Amphibious
6 Transport Dock Program \$18,627,000;

7 (2) Under the heading "Shipbuilding and Con-
8 version, Navy, 2006/2012": LPD-17 Amphibious
9 Transport Dock Program \$23,437,000; and

10 (3) Under the heading "Shipbuilding and Con-
11 version, Navy, 2008/2012": LPD-17 Amphibious
12 Transport Dock Program \$31,928,000.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 8074. (a) Of the amounts appropriated in title
15 IV of this Act under the heading "Research, Development,
16 Test and Evaluation, Army", for Budget Activities 4, 5
17 and 7, \$50,000,000 shall be transferred to Program Ele-
18 ment 0605601A: *Provided*, That no funds may be trans-
19 ferred until 30 days after the Secretary of the Army pro-
20 vides to the congressional defense committees a report in-
21 cluding the details of any such transfer: *Provided further*,
22 That the transfer authority provided under this provision
23 is in addition to any other transfer authority contained
24 in this Act.

1 (b) Of the amounts appropriated in title IV of this
2 Act under the heading "Research, Development, Test and
3 Evaluation, Air Force", for Budget Activities 4, 5 and 7,
4 \$34,000,000 shall be transferred to Program Element
5 0605807F: *Provided*, That no funds may be transferred
6 until 30 days after the Secretary of the Air Force provides
7 to the congressional defense committees a report including
8 the details of any such transfer: *Provided further*, That
9 the transfer authority provided under this provision is in
10 addition to any other transfer authority contained in this
11 Act.

12 SEC. 8075. Funds appropriated by this Act, or made
13 available by the transfer of funds in this Act, for intel-
14 ligence activities are deemed to be specifically authorized
15 by the Congress for purposes of section 504 of the Na-
16 tional Security Act of 1947 (50 U.S.C. 414) during fiscal
17 year 2012 until the enactment of the Intelligence Author-
18 ization Act for Fiscal Year 2012.

19 SEC. 8076. None of the funds provided in this Act
20 shall be available for obligation or expenditure through a
21 reprogramming of funds that creates or initiates a new
22 program, project, or activity unless such program, project,
23 or activity must be undertaken immediately in the interest
24 of national security and only after written prior notifica-
25 tion to the congressional defense committees.

1 SEC. 8077. The budget of the President for fiscal
2 year 2013 submitted to the Congress pursuant to section
3 1105 of title 31, United States Code, shall include sepa-
4 rate budget justification documents for costs of United
5 States Armed Forces' participation in contingency oper-
6 ations for the Military Personnel accounts, the Operation
7 and Maintenance accounts, and the Procurement ac-
8 counts: *Provided*, That these documents shall include a de-
9 scription of the funding requested for each contingency op-
10 eration, for each military service, to include all Active and
11 Reserve components, and for each appropriations account:
12 *Provided further*, That these documents shall include esti-
13 mated costs for each element of expense or object class,
14 a reconciliation of increases and decreases for each contin-
15 gency operation, and programmatic data including, but
16 not limited to, troop strength for each Active and Reserve
17 component, and estimates of the major weapons systems
18 deployed in support of each contingency: *Provided further*,
19 That these documents shall include budget exhibits OP-
20 5 and OP-32 (as defined in the Department of Defense
21 Financial Management Regulation) for all contingency op-
22 erations for the budget year and the two preceding fiscal
23 years.

24 SEC. 8078. None of the funds in this Act may be
25 used for research, development, test, evaluation, procure-

1 ment or deployment of nuclear armed interceptors of a
2 missile defense system.

3 (INCLUDING TRANSFER OF FUNDS)

4 SEC. 8079. In addition to the amounts appropriated
5 or otherwise made available elsewhere in this Act,
6 \$44,000,000 is hereby appropriated to the Department of
7 Defense: *Provided*, That upon the determination of the
8 Secretary of Defense that it shall serve the national inter-
9 est, he shall make grants in the amounts specified as fol-
10 lows: \$20,000,000 to the United Service Organizations
11 and \$24,000,000 to the Red Cross.

12 SEC. 8080. None of the funds appropriated or made
13 available in this Act shall be used to reduce or disestablish
14 the operation of the 53rd Weather Reconnaissance Squad-
15 ron of the Air Force Reserve, if such action would reduce
16 the WC-130 Weather Reconnaissance mission below the
17 levels funded in this Act: *Provided*, That the Air Force
18 shall allow the 53rd Weather Reconnaissance Squadron to
19 perform other missions in support of national defense re-
20 quirements during the non-hurricane season.

21 SEC. 8081. None of the funds provided in this Act
22 shall be available for integration of foreign intelligence in-
23 formation unless the information has been lawfully col-
24 lected and processed during the conduct of authorized for-
25 eign intelligence activities: *Provided*, That information

1 pertaining to United States persons shall only be handled
2 in accordance with protections provided in the Fourth
3 Amendment of the United States Constitution as imple-
4 mented through Executive Order No. 12333.

5 SEC. 8082. (a) At the time members of reserve com-
6 ponents of the Armed Forces are called or ordered to ac-
7 tive duty under section 12302(a) of title 10, United States
8 Code, each member shall be notified in writing of the ex-
9 pected period during which the member will be mobilized.

10 (b) The Secretary of Defense may waive the require-
11 ments of subsection (a) in any case in which the Secretary
12 determines that it is necessary to do so to respond to a
13 national security emergency or to meet dire operational
14 requirements of the Armed Forces.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 8083. The Secretary of Defense may transfer
17 funds from any available Department of the Navy appro-
18 priation to any available Navy ship construction appro-
19 priation for the purpose of liquidating necessary changes
20 resulting from inflation, market fluctuations, or rate ad-
21 justments for any ship construction program appropriated
22 in law: *Provided*, That the Secretary may transfer not to
23 exceed \$100,000,000 under the authority provided by this
24 section: *Provided further*, That the Secretary may not
25 transfer any funds until 30 days after the proposed trans-

1 fer has been reported to the Committees on Appropria-
2 tions of the House of Representatives and the Senate, un-
3 less a response from the Committees is received sooner:
4 *Provided further*, That any funds transferred pursuant to
5 this section shall retain the same period of availability as
6 when originally appropriated: *Provided further*, That the
7 transfer authority provided by this section is in addition
8 to any other transfer authority contained elsewhere in this
9 Act.

10 SEC. 8084. For purposes of section 7108 of title 41,
11 United States Code, any subdivision of appropriations
12 made under the heading "Shipbuilding and Conversion,
13 Navy" that is not closed at the time reimbursement is
14 made shall be available to reimburse the Judgment Fund
15 and shall be considered for the same purposes as any sub-
16 division under the heading "Shipbuilding and Conversion,
17 Navy" appropriations in the current fiscal year or any
18 prior fiscal year.

19 SEC. 8085. (a) None of the funds appropriated by
20 this Act may be used to transfer research and develop-
21 ment, acquisition, or other program authority relating to
22 current tactical unmanned aerial vehicles (TUAUVs) from
23 the Army.

24 (b) The Army shall retain responsibility for and oper-
25 ational control of the MQ-1C Sky Warrior Unmanned

1 Aerial Vehicle (UAV) in order to support the Secretary
2 of Defense in matters relating to the employment of un-
3 manned aerial vehicles.

4 SEC. 8086. Up to \$15,000,000 of the funds appro-
5 priated under the heading "Operation and Maintenance,
6 Navy" may be made available for the Asia Pacific Re-
7 gional Initiative Program for the purpose of enabling the
8 Pacific Command to execute Theater Security Cooperation
9 activities such as humanitarian assistance, and payment
10 of incremental and personnel costs of training and exer-
11 cising with foreign security forces: *Provided*, That funds
12 made available for this purpose may be used, notwith-
13 standing any other funding authorities for humanitarian
14 assistance, security assistance or combined exercise ex-
15 penses: *Provided further*, That funds may not be obligated
16 to provide assistance to any foreign country that is other-
17 wise prohibited from receiving such type of assistance
18 under any other provision of law.

19 SEC. 8087. None of the funds appropriated by this
20 Act for programs of the Office of the Director of National
21 Intelligence shall remain available for obligation beyond
22 the current fiscal year, except for funds appropriated for
23 research and technology, which shall remain available until
24 September 30, 2013.

1 SEC. 8088. For purposes of section 1553(b) of title
2 31, United States Code, any subdivision of appropriations
3 made in this Act under the heading “Shipbuilding and
4 Conversion, Navy” shall be considered to be for the same
5 purpose as any subdivision under the heading “Ship-
6 building and Conversion, Navy” appropriations in any
7 prior fiscal year, and the 1 percent limitation shall apply
8 to the total amount of the appropriation.

9 SEC. 8089. During the current fiscal year, not to ex-
10 ceed \$200,000,000 from funds available under “Operation
11 and Maintenance, Defense-Wide” may be transferred to
12 the Department of State “Global Security Contingency
13 Fund”: *Provided*, That this transfer authority is in addi-
14 tion to any other transfer authority available to the De-
15 partment of Defense: *Provided further*, That the Secretary
16 of Defense shall, not fewer than 30 days prior to making
17 transfers to the Department of State “Global Security
18 Contingency Fund”, notify the congressional defense com-
19 mittees in writing with the source of funds and a detailed
20 justification, execution plan, and timeline for each pro-
21 posed project.

22 SEC. 8090. The Director of National Intelligence
23 shall include the budget exhibits identified in paragraphs
24 (1) and (2) as described in the Department of Defense

(SC)
](Including
Transfer of
Funds)[

1 Financial Management Regulation with the congressional
2 budget justification books:

3 (1) For procurement programs requesting more
4 than \$10,000,000 in any fiscal year, the P-1, Pro-
5 curement Program; P-5, Cost Analysis; P-5a, Pro-
6 curement History and Planning; P-21, Production
7 Schedule; and P-40, Budget Item Justification.

8 (2) For research, development, test and evalua-
9 tion projects requesting more than \$5,000,000 in
10 any fiscal year, the R-1, Research, Development,
11 Test and Evaluation Program; R-2, Research, De-
12 velopment, Test and Evaluation Budget Item Jus-
13 tification; R-3, Research, Development, Test and
14 Evaluation Project Cost Analysis; and R-4, Re-
15 search, Development, Test and Evaluation Program
16 Schedule Profile.

17 SEC. 8091. The amounts appropriated in title II of
18 this Act are hereby reduced by \$515,000,000 to reflect
19 excess cash balances in Department of Defense Working
20 Capital Funds, as follows: From "Operation and Mainte-
21 nance, Army", \$515,000,000.

22 SEC. 8092. (a) Not later than 60 days after enact-
23 ment of this Act, the Office of the Director of National
24 Intelligence shall submit a report to the congressional in-
25 telligence committees to establish the baseline for applica-

1 tion of reprogramming and transfer authorities for fiscal
2 year 2012: *Provided*, That the report shall include—

3 (1) a table for each appropriation with a sepa-
4 rate column to display the President's budget re-
5 quest, adjustments made by Congress, adjustments
6 due to enacted rescissions, if appropriate, and the
7 fiscal year enacted level;

8 (2) a delineation in the table for each appro-
9 priation by Expenditure Center and project; and

10 (3) an identification of items of special congres-
11 sional interest.

12 (b) None of the funds provided for the National Intel-
13 ligence Program in this Act shall be available for re-
14 programming or transfer until the report identified in sub-
15 section (a) is submitted to the congressional intelligence
16 committees, unless the Director of National Intelligence
17 certifies in writing to the congressional intelligence com-
18 mittees that such reprogramming or transfer is necessary
19 as an emergency requirement.

20 SEC. 8093. (a) None of the funds provided for the
21 National Intelligence Program in this or any prior appro-
22 priations Act shall be available for obligation or expendi-
23 ture through a reprogramming or transfer of funds in ac-
24 cordance with section 102A(d) of the National Security
25 Act of 1947 (50 U.S.C. 403–1(d)) that—

- 1 (1) creates a new start effort;
- 2 (2) terminates a program with appropriated
- 3 funding of \$10,000,000 or more;
- 4 (3) transfers funding into or out of the Na-
- 5 tional Intelligence Program; or
- 6 (4) transfers funding between appropriations,
- 7 unless the congressional intelligence committees are noti-
- 8 fied 30 days in advance of such reprogramming of funds;
- 9 this notification period may be reduced for urgent national
- 10 security requirements.

11 (b) None of the funds provided for the National Intel-

12 ligence Program in this or any prior appropriations Act

13 shall be available for obligation or expenditure through a

14 reprogramming or transfer of funds in accordance with

15 section 102A(d) of the National Security Act of 1947 (50

16 U.S.C. 403-1(d)) that results in a cumulative increase or

17 decrease of the levels specified in the classified annex un-

18 less the congressional intelligence committees are notified

19 30 days in advance of such reprogramming of funds; this

20 notification period may be reduced for urgent national se-

21 curity requirements.

22 SEC. 8094. The Director of National Intelligence

23 shall submit to Congress each year, at or about the time

24 that the President's budget is submitted to Congress that

25 year under section 1105(a) of title 31, United States

1 Code, a future-years intelligence program (including asso-
2 ciated annexes) reflecting the estimated expenditures and
3 proposed appropriations included in that budget. Any such
4 future-years intelligence program shall cover the fiscal
5 year with respect to which the budget is submitted and
6 at least the four succeeding fiscal years.

7 SEC. 8095. For the purposes of this Act, the term
8 “congressional intelligence committees” means the Perma-
9 nent Select Committee on Intelligence of the House of
10 Representatives, the Select Committee on Intelligence of
11 the Senate, the Subcommittee on Defense of the Com-
12 mittee on Appropriations of the House of Representatives,
13 and the Subcommittee on Defense of the Committee on
14 Appropriations of the Senate.

15 SEC. 8096. The Department of Defense shall con-
16 tinue to report incremental contingency operations costs
17 for Operation New Dawn and Operation Enduring Free-
18 dom on a monthly basis in the Cost of War Execution
19 Report as prescribed in the Department of Defense Finan-
20 cial Management Regulation Department of Defense In-
21 struction 7000.14, Volume 12, Chapter 23 “Contingency
22 Operations”, Annex 1, dated September 2005.

23 (INCLUDING TRANSFER OF FUNDS)

24 SEC. 8097. During the current fiscal year, not to ex-
25 ceed \$11,000,000 from each of the appropriations made

1 in title II of this Act for “Operation and Maintenance,
2 Army”, “Operation and Maintenance, Navy”, and “Oper-
3 ation and Maintenance, Air Force” may be transferred by
4 the military department concerned to its central fund es-
5 tablished for Fisher Houses and Suites pursuant to sec-
6 tion 2493(d) of title 10, United States Code.

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 8098. Of the funds appropriated in the Intel-
9 ligence Community Management Account for the Program
10 Manager for the Information Sharing Environment,
11 \$20,000,000 is available for transfer by the Director of
12 National Intelligence to other departments and agencies
13 for purposes of Government-wide information sharing ac-
14 tivities: *Provided*, That funds transferred under this provi-
15 sion are to be merged with and available for the same pur-
16 poses and time period as the appropriation to which trans-
17 ferred: *Provided further*, That the Office of Management
18 and Budget must approve any transfers made under this
19 provision.

20 SEC. 8099. Funds appropriated by this Act for oper-
21 ation and maintenance may be available for the purpose
22 of making remittances to the Defense Acquisition Work-
23 force Development Fund in accordance with the require-
24 ments of section 1705 of title 10, United States Code.

1 SEC. 8100. (a) Any agency receiving funds made
2 available in this Act, shall, subject to subsections (b) and
3 (c), post on the public website of that agency any report
4 required to be submitted by the Congress in this or any
5 other Act, upon the determination by the head of the agen-
6 cy that it shall serve the national interest.

7 (b) Subsection (a) shall not apply to a report if—

8 (1) the public posting of the report com-
9 promises national security; or

10 (2) the report contains proprietary information.

11 (c) The head of the agency posting such report shall
12 do so only after such report has been made available to
13 the requesting Committee or Committees of Congress for
14 no less than 45 days.

15 SEC. 8101. (a) None of the funds appropriated or
16 otherwise made available by this Act may be expended for
17 any Federal contract for an amount in excess of
18 \$1,000,000, unless the contractor agrees not to—

19 (1) enter into any agreement with any of its
20 employees or independent contractors that requires,
21 as a condition of employment, that the employee or
22 independent contractor agree to resolve through ar-
23 bitration any claim under title VII of the Civil
24 Rights Act of 1964 or any tort related to or arising
25 out of sexual assault or harassment, including as-

1 sault and battery, intentional infliction of emotional
2 distress, false imprisonment, or negligent hiring, su-
3 pervision, or retention; or

4 (2) take any action to enforce any provision of
5 an existing agreement with an employee or inde-
6 pendent contractor that mandates that the employee
7 or independent contractor resolve through arbitra-
8 tion any claim under title VII of the Civil Rights Act
9 of 1964 or any tort related to or arising out of sex-
10 ual assault or harassment, including assault and
11 battery, intentional infliction of emotional distress,
12 false imprisonment, or negligent hiring, supervision,
13 or retention.

14 (b) None of the funds appropriated or otherwise
15 made available by this Act may be expended for any Fed-
16 eral contract unless the contractor certifies that it requires
17 each covered subcontractor to agree not to enter into, and
18 not to take any action to enforce any provision of, any
19 agreement as described in paragraphs (1) and (2) of sub-
20 section (a), with respect to any employee or independent
21 contractor performing work related to such subcontract.
22 For purposes of this subsection, a "covered subcon-
23 tractor" is an entity that has a subcontract in excess of
24 \$1,000,000 on a contract subject to subsection (a).

1 (c) The prohibitions in this section do not apply with
2 respect to a contractor's or subcontractor's agreements
3 with employees or independent contractors that may not
4 be enforced in a court of the United States.

5 (d) The Secretary of Defense may waive the applica-
6 tion of subsection (a) or (b) to a particular contractor or
7 subcontractor for the purposes of a particular contract or
8 subcontract if the Secretary or the Deputy Secretary per-
9 sonally determines that the waiver is necessary to avoid
10 harm to national security interests of the United States,
11 and that the term of the contract or subcontract is not
12 longer than necessary to avoid such harm. The determina-
13 tion shall set forth with specificity the grounds for the
14 waiver and for the contract or subcontract term selected,
15 and shall state any alternatives considered in lieu of a
16 waiver and the reasons each such alternative would not
17 avoid harm to national security interests of the United
18 States. The Secretary of Defense shall transmit to Con-
19 gress, and simultaneously make public, any determination
20 under this subsection not less than 15 business days be-
21 fore the contract or subcontract addressed in the deter-
22 mination may be awarded.

23 SEC. 8102. (a)(1) No National Intelligence Program
24 funds appropriated in this Act may be used for a mission
25 critical or mission essential business management infor-

1 mation technology system that is not registered with the
2 Director of National Intelligence. A system shall be con-
3 sidered to be registered with that officer upon the fur-
4 nishing notice of the system, together with such informa-
5 tion concerning the system as the Director of the Business
6 Transformation Office may prescribe.

7 (2) During the fiscal year 2012 no funds may be obli-
8 gated or expended for a financial management automated
9 information system, a mixed information system sup-
10 porting financial and non-financial systems, or a business
11 system improvement of more than \$3,000,000, within the
12 Intelligence Community without the approval of the Busi-
13 ness Transformation Investment Review Board.

14 (b) This section shall not apply to any programmatic
15 or analytic systems or programmatic or analytic system
16 improvements.

17 SEC. 8103. None of the funds made available under
18 this Act may be distributed to the Association of Commu-
19 nity Organizations for Reform Now (ACORN) or its sub-
20 sidiaries.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 8104. From within the funds appropriated for
23 operation and maintenance for the Defense Health Pro-
24 gram in this Act, up to \$135,631,000, shall be available
25 for transfer to the Joint Department of Defense-Depart-

1 ment of Veterans Affairs Medical Facility Demonstration
2 Fund in accordance with the provisions of section 1704
3 of the National Defense Authorization Act for Fiscal Year
4 2010, Public Law 111-84: *Provided*, That for purposes
5 of section 1704(b), the facility operations funded are oper-
6 ations of the integrated Captain James A. Lovell Federal
7 Health Care Center, consisting of the North Chicago Vet-
8 erans Affairs Medical Center, the Navy Ambulatory Care
9 Center, and supporting facilities designated as a combined
10 Federal medical facility as described by section 706 of
11 Public Law 110-417: *Provided further*, That additional
12 funds may be transferred from funds appropriated for op-
13 eration and maintenance for the Defense Health Program
14 to the Joint Department of Defense-Department of Vet-
15 erans Affairs Medical Facility Demonstration Fund upon
16 written notification by the Secretary of Defense to the
17 Committees on Appropriations of the House of Represent-
18 atives and the Senate.

19 SEC. 8105. Section 310(b) of the Supplemental Ap-
20 propriations Act, 2009 (Public Law 111-32; 124 Stat.
21 1871), as amended by Public Law 112-10, is amended
22 by striking “2 years” both places it appears and inserting
23 “3 years”.

24 SEC. 8106. The Office of the Director of National
25 Intelligence shall not employ more Senior Executive em-

1 ployees than are specified in the classified annex: *Pro-*
2 *vided*, That not later than 90 days after the enactment
3 of this Act, the Director of National Intelligence shall sub-
4 mit to the congressional intelligence committees the Office
5 of the Director of National Intelligence strategic human
6 capital plan and the Office of Director of National Intel-
7 ligence current and future grade structure, to include Gen-
8 eral Schedule 15 positions.

9 SEC. 8107. None of the funds appropriated or other-
10 wise made available by this Act may be obligated or ex-
11 pended to pay a retired general or flag officer to serve
12 as a senior mentor advising the Department of Defense
13 unless such retired officer files a Standard Form 278 (or
14 successor form concerning public financial disclosure
15 under part 2634 of title 5, Code of Federal Regulations)
16 to the Office of Government Ethics.

17 SEC. 8108. Appropriations available to the Depart-
18 ment of Defense may be used for the purchase of heavy
19 and light armored vehicles for the physical security of per-
20 sonnel or for force protection purposes up to a limit of
21 \$250,000 per vehicle, notwithstanding price or other limi-
22 tations applicable to the purchase of passenger carrying
23 vehicles.

24 SEC. 8109. The Inspector General of the Department
25 of Defense shall conduct a review of Anti-deficiency Act

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1 violations and their causes in the Department of Defense
2 Military Personnel Accounts. Based on the findings of the
3 review, the Inspector General shall submit to the congressional defense committees a report containing the results
4 of the review and recommendations for corrective actions
5 to be implemented.

7 SEC. 8110. Of the amounts appropriated for "Operation and Maintenance, Defense-Wide", \$33,000,000 shall
8 be available to the Secretary of Defense, notwithstanding
9 any other provision of law, acting through the Office of
10 Economic Adjustment of the Department of Defense, to
11 make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, to include addressing the need for vehicles and supplies for civilian student transportation, preservation and repository of artifacts unearthed during military construction, and construction of a mental health and substance abuse facility:
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20 *Provided*, That the Secretary of Defense shall, not fewer
21 than 15 days prior to obligating funds for this purpose,
22 notify the congressional defense committees in writing of
23 the details of any such obligation.

24 SEC. 8111. None of the funds made available by this
25 Act may be used by the Secretary of Defense to take bene-

1 ficial occupancy of more than 2,000 parking spaces (other
2 than handicap-reserved spaces) to be provided by the
3 BRAC 133 project: *Provided*, That this limitation may be
4 waived in part if: (1) the Secretary of Defense certifies
5 to Congress that levels of service at existing intersections
6 in the vicinity of the project have not experienced failing
7 levels of service as defined by the Transportation Research
8 Board Highway Capacity Manual over a consecutive 90-
9 day period; (2) the Department of Defense and the Vir-
10 ginia Department of Transportation agree on the number
11 of additional parking spaces that may be made available
12 to employees of the facility subject to continued 90-day
13 traffic monitoring; and (3) the Secretary of Defense noti-
14 fies the congressional defense committees in writing at
15 least 14 days prior to exercising this waiver of the number
16 of additional parking spaces to be made available: *Pro-*
17 *vided further*, That the Secretary of Defense shall imple-
18 ment the Department of Defense Inspector General rec-
19 ommendations outlined in report number DODIG-2012-
20 024, and certify to Congress not later than 180 days after
21 enactment of this Act that the recommendations have been
22 implemented.

23 SEC. 8112. (a) None of the funds provided in this
24 title for Operation and Maintenance may be available for
25 obligation or expenditure to relocate Air Force program

1 offices, or acquisition management functions of major
2 weapons systems, to a central location, or to any location
3 other than the Air Force Material Command site where
4 they are currently located until 30 days after the Sec-
5 retary of the Air Force submits the initial report under
6 subsection (b).

7 (b) The Secretary of the Air Force shall submit to
8 the congressional defense committees a report which in-
9 cludes the following: a listing of all Air Force Material
10 Command functions to be transferred and an identifica-
11 tion of the locations where these functions will be trans-
12 ferred from and to; a listing of all Air Force Material
13 Command personnel positions to be transferred and an
14 identification of the locations these positions will be trans-
15 ferred from and to; and the cost benefit analysis and the
16 life-cycle cost analysis underpinning the Secretary of the
17 Air Force's decision to relocate Air Force Material Com-
18 mand functions and personnel.

19 SEC. 8113. Not later than 120 days after the date
20 of the enactment of this Act, the Secretary of Defense
21 shall resume quarterly reporting of the numbers of civilian
22 personnel end strength by appropriation account for each
23 and every appropriation account used to finance Federal
24 civilian personnel salaries to the congressional defense

1 committees within 15 days after the end of each fiscal
2 quarter.

3 SEC. 8114. In addition to amounts provided else-
4 where in this Act, \$10,000,000 is hereby appropriated, for
5 an additional amount for “Research, Development, Test
6 and Evaluation, Army”, to remain available until Sep-
7 tember 30, 2013. Such funds may be available for the Sec-
8 retary of the Army to conduct research on alternative en-
9 ergy resources for deployed forces.

10 SEC. 8115. The Secretary of Defense shall study and
11 report to the Congressional Defense Committees the feasi-
12 bility of using commercially available telecommunications
13 expense management solutions across the Department of
14 Defense by March 1, 2012.

15 SEC. 8116. None of the funds appropriated in this
16 or any other Act may be used to plan, prepare for, or oth-
17 erwise take any action to undertake or implement the sep-
18 aration of the National Intelligence Program budget from
19 the Department of Defense budget.

20 (INCLUDING TRANSFER OF FUNDS)

21 SEC. 8117. Upon a determination by the Director of
22 National Intelligence that such action is necessary and in
23 the national interest, the Director may, with the approval
24 of the Office of Management and Budget, transfer not to
25 exceed \$2,000,000,000 of the funds made available in this

1 Act for the National Intelligence Program: *Provided*, That
2 such authority to transfer may not be used unless for
3 higher priority items, based on unforeseen intelligence re-
4 quirements, than those for which originally appropriated
5 and in no case where the item for which funds are re-
6 quested has been denied by the Congress: *Provided further*,
7 That a request for multiple reprogrammings of funds
8 using authority provided in this section shall be made
9 prior to June 30, 2012.

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 8118. In addition to amounts provided else-
12 where in this Act, there is appropriated \$250,000,000, for
13 an additional amount for “Operation and Maintenance,
14 Defense-Wide”, to be available until expended: *Provided*,
15 That such funds shall only be available to the Secretary
16 of Defense, acting through the Office of Economic Adjust-
17 ment of the Department of Defense, or for transfer to the
18 Secretary of Education, notwithstanding any other provi-
19 sion of law, to make grants, conclude cooperative agree-
20 ments, or supplement other Federal funds to construct,
21 renovate, repair, or expand elementary and secondary pub-
22 lic schools on military installations in order to address ca-
23 pacity or facility condition deficiencies at such schools:
24 *Provided further*, That in making such funds available, the
25 Office of Economic Adjustment or the Secretary of Edu-

1 cation shall give priority consideration to those military
2 installations with schools having the most serious capacity
3 or facility condition deficiencies as determined by the Sec-
4 retary of Defense.

5 SEC. 8119. None of the funds appropriated or other-
6 wise made available in this or any other Act may be used
7 to transfer, release, or assist in the transfer or release to
8 or within the United States, its territories, or possessions
9 Khalid Sheikh Mohammed or any other detainee who—

10 (1) is not a United States citizen or a member
11 of the Armed Forces of the United States; and

12 (2) is or was held on or after June 24, 2009,
13 at the United States Naval Station, Guantanamo
14 Bay, Cuba, by the Department of Defense.

15 SEC. 8120. (a)(1) Except as provided in paragraph
16 (2) and subsection (d), none of the funds appropriated or
17 otherwise made available in this or any other Act may be
18 used to transfer any individual detained at Guantanamo
19 to the custody or control of the individual's country of ori-
20 gin, any other foreign country, or any other foreign entity
21 unless the Secretary of Defense submits to Congress the
22 certification described in subsection (b) not later than 30
23 days before the transfer of the individual.

1 (2) Paragraph (1) shall not apply to any action taken
2 by the Secretary to transfer any individual detained at
3 Guantanamo to effectuate—

4 (A) an order affecting the disposition of the in-
5 dividual that is issued by a court or competent tri-
6 bunal of the United States having lawful jurisdiction
7 (which the Secretary shall notify Congress of
8 promptly after issuance); or

9 (B) a pre-trial agreement entered in a military
10 commission case prior to the date of the enactment
11 of this Act.

12 (b) A certification described in this subsection is a
13 written certification made by the Secretary of Defense,
14 with the concurrence of the Secretary of State and in con-
15 sultation with the Director of National Intelligence, that—

16 (1) the government of the foreign country or
17 the recognized leadership of the foreign entity to
18 which the individual detained at Guantanamo is to
19 be transferred—

20 (A) is not a designated state sponsor of
21 terrorism or a designated foreign terrorist orga-
22 nization;

23 (B) maintains control over each detention
24 facility in which the individual is to be detained

1 if the individual is to be housed in a detention
2 facility;

3 (C) is not, as of the date of the certifi-
4 cation, facing a threat that is likely to substan-
5 tially affect its ability to exercise control over
6 the individual;

7 (D) has taken or agreed to take effective
8 actions to ensure that the individual cannot
9 take action to threaten the United States, its
10 citizens, or its allies in the future;

11 (E) has taken or agreed to take such ac-
12 tions as the Secretary of Defense determines
13 are necessary to ensure that the individual can-
14 not engage or reengage in any terrorist activity;
15 and

16 (F) has agreed to share with the United
17 States any information that—

18 (i) is related to the individual or any
19 associates of the individual; and

20 (ii) could affect the security of the
21 United States, its citizens, or its allies; and

22 (2) includes an assessment, in classified or un-
23 classified form, of the capacity, willingness, and past
24 practices (if applicable) of the foreign country or en-
25 tity in relation to the Secretary's certifications.

1 (c)(1) Except as provided in paragraph (2) and sub-
2 section (d), none of the funds appropriated or otherwise
3 made available in this or any other Act may be used to
4 transfer any individual detained at Guantanamo to the
5 custody or control of the individual's country of origin, any
6 other foreign country, or any other foreign entity if there
7 is a confirmed case of any individual who was detained
8 at United States Naval Station, Guantanamo Bay, Cuba,
9 at any time after September 11, 2001, who was trans-
10 ferred to such foreign country or entity and subsequently
11 engaged in any terrorist activity.

12 (2) Paragraph (1) shall not apply to any action taken
13 by the Secretary to transfer any individual detained at
14 Guantanamo to effectuate—

15 (A) an order affecting the disposition of the in-
16 dividual that is issued by a court or competent tri-
17 bunal of the United States having lawful jurisdiction
18 (which the Secretary shall notify Congress of
19 promptly after issuance); or

20 (B) a pre-trial agreement entered in a military
21 commission case prior to the date of the enactment
22 of this Act.

23 (d)(1) The Secretary of Defense may waive the appli-
24 cability to a detainee transfer of a certification require-
25 ment specified in subparagraph (D) or (E) of subsection

1 (b)(1) or the prohibition in subsection (c), if the Secretary
2 certifies the rest of the criteria required by subsection (b)
3 for transfers prohibited by (c) and, with the concurrence
4 of the Secretary of State and in consultation with the Di-
5 rector of National Intelligence, determines that—

6 (A) alternative actions will be taken to address
7 the underlying purpose of the requirement or re-
8 quirements to be waived;

9 (B) in the case of a waiver of subparagraph (D)
10 or (E) of subsection (b)(1), it is not possible to cer-
11 tify that the risks addressed in the paragraph to be
12 waived have been completely eliminated, but the ac-
13 tions to be taken under subparagraph (A) will sub-
14 stantially mitigate such risks with regard to the indi-
15 vidual to be transferred;

16 (C) in the case of a waiver of subsection (c), the
17 Secretary has considered any confirmed case in
18 which an individual who was transferred to the
19 country subsequently engaged in terrorist activity,
20 and the actions to be taken under subparagraph (A)
21 will substantially mitigate the risk of recidivism with
22 regard to the individual to be transferred; and

23 (D) the transfer is in the national security in-
24 terests of the United States.

1 (2) Whenever the Secretary makes a determination
2 under paragraph (1), the Secretary shall submit to the ap-
3 propriate committees of Congress, not later than 30 days
4 before the transfer of the individual concerned, the fol-
5 lowing:

6 (A) A copy of the determination and the waiver
7 concerned.

8 (B) A statement of the basis for the determina-
9 tion, including—

10 (i) an explanation why the transfer is in
11 the national security interests of the United
12 States; and

13 (ii) in the case of a waiver of subparagraph
14 (D) or (E) of subsection (b)(1), an explanation
15 why it is not possible to certify that the risks
16 addressed in the subparagraph to be waived
17 have been completely eliminated.

18 (C) A summary of the alternative actions to be
19 taken to address the underlying purpose of, and to
20 mitigate the risks addressed in, the subparagraph or
21 subsection to be waived.

22 (D) The assessment required by subsection
23 (b)(2).

24 (e) In this section:

1 (1) The term “appropriate committees of Con-
2 gress” means—

3 (A) the Committee on Armed Services, the
4 Committee on Appropriations, and the Select
5 Committee on Intelligence of the Senate; and

6 (B) the Committee on Armed Services, the
7 Committee on Appropriations, and the Perma-
8 nent Select Committee on Intelligence of the
9 House of Representatives.

10 (2) The term “individual detained at Guanta-
11 namo” means any individual located at United
12 States Naval Station, Guantanamo Bay, Cuba, as of
13 October 1, 2009, who—

14 (A) is not a citizen of the United States or
15 a member of the Armed Forces of the United
16 States; and

17 (B) is—

18 (i) in the custody or under the control
19 of the Department of Defense; or

20 (ii) otherwise under detention at
21 United States Naval Station, Guantanamo
22 Bay, Cuba.

23 (3) The term “foreign terrorist organization”
24 means any organization so designated by the Sec-

1 retary of State under section 219 of the Immigra-
2 tion and Nationality Act (8 U.S.C. 1189).

3 SEC. 8121. (a) None of the funds appropriated or
4 otherwise made available in this or any other Act may be
5 used to construct, acquire, or modify any facility in the
6 United States, its territories, or possessions to house any
7 individual described in subsection (c) for the purposes of
8 detention or imprisonment in the custody or under the ef-
9 fective control of the Department of Defense.

10 (b) The prohibition in subsection (a) shall not apply
11 to any modification of facilities at United States Naval
12 Station, Guantanamo Bay, Cuba.

13 (c) An individual described in this subsection is any
14 individual who, as of June 24, 2009, is located at United
15 States Naval Station, Guantanamo Bay, Cuba, and who—

16 (1) is not a citizen of the United States or a
17 member of the Armed Forces of the United States;
18 and

19 (2) is—

20 (A) in the custody or under the effective
21 control of the Department of Defense; or

22 (B) otherwise under detention at United
23 States Naval Station, Guantanamo Bay, Cuba.

24 SEC. 8122. Of the funds made available to the De-
25 partment of Defense under “Operation and Maintenance,

1 Defense-Wide'' in title II, \$1,000,000 may be available to
2 the Department to competitively commission an inde-
3 pendent assessment of the current and prospective situa-
4 tion on the ground in Afghanistan and Pakistan, including
5 the strategic environment in and around Afghanistan and
6 Pakistan; the security, political, and economic and recon-
7 struction developments in those two countries; and rel-
8 evant policy recommendations relating thereto.

9 SEC. 8123. Not later than 90 days after the date of
10 the enactment of this Act, the Secretary of Defense shall
11 submit to the congressional defense committees a report
12 on the approximately \$100,000,000,000 in efficiency sav-
13 ings identified by the military departments in the defense
14 budget covering fiscal years 2012 through 2016 that are
15 to be reinvested in the priorities of the military depart-
16 ments. Such report shall include an analysis of—

17 (1) each savings identified by the military de-
18 partments, including—

19 (A) the budget account from which such
20 savings will be derived;

21 (B) the number of military personnel and
22 full-time civilian employees of the Federal Gov-
23 ernment affected by such savings;

1 (C) the estimated reductions in the number
2 and funding of contractor personnel caused by
3 such savings; and

4 (D) a specific description of activities or
5 services that will be affected by such savings,
6 including the locations of such activities or serv-
7 ices; and

8 (2) each reinvestment planned to be funded
9 with such savings, including—

10 (A) with respect to such reinvestment in
11 procurement and research, development, test
12 and evaluation accounts, the budget account to
13 which such savings will be reinvested, including,
14 by line item, the number of items to be pro-
15 cured, as shown in annual P-1 and R-1 docu-
16 ments;

17 (B) with respect to such reinvestment in
18 military personnel and operation and mainte-
19 nance accounts, the budget account and the
20 subactivity (as shown in annual-1 and O-1
21 budget documents) to which such savings will
22 be reinvested;

23 (C) the number of military personnel and
24 full-time civilian employees of the Federal Gov-
25 ernment affected by such reinvestment;

1 (D) the estimated number and funding of
2 contractor personnel affected by such reinvest-
3 ment; and

4 (E) a specific description of activities or
5 services that will be affected by such reinvest-
6 ment, including the locations of such activities
7 or services.

8 SEC. 8124. None of the funds made available by this
9 Act may be used to enter into a contract, memorandum
10 of understanding, or cooperative agreement with, make a
11 grant to, or provide a loan or loan guarantee to, any cor-
12 poration that any unpaid Federal tax liability that has
13 been assessed, for which all judicial and administrative
14 remedies have been exhausted or have lapsed, and that
15 is not being paid in a timely manner pursuant to an agree-
16 ment with the authority responsible for collecting the tax
17 liability, where the awarding agency is aware of the unpaid
18 tax liability, unless the agency has considered suspension
19 or debarment of the corporation and made a determination
20 that this further action is not necessary to protect the in-
21 terests of the Government.

22 SEC. 8125. None of the funds made available by this
23 Act may be used to enter into a contract, memorandum
24 of understanding, or cooperative agreement with, make a
25 grant to, or provide a loan or loan guarantee to, any cor-

Insert 127a-c

1 poration that was convicted of a felony criminal violation
2 under any Federal law within the preceding 24 months,
3 where the awarding agency is aware of the conviction, un-
4 less the agency has considered suspension or debarment
5 of the corporation and made a determination that this fur-
6 ther action is not necessary to protect the interests of the
7 Government.

8 (INCLUDING TRANSFER OF FUNDS)

9 SEC. 8126. There is hereby established in the Treas-
10 ury of the United States the "Military Intelligence Pro-
11 gram Transfer Fund". In addition to amounts provided
12 elsewhere in this Act, there is appropriated \$310,758,000
13 for the "Military Intelligence Program Transfer Fund":
14 *Provided*, That of the funds made available in this section,
15 the Secretary of Defense may transfer these funds only
16 to "Operation and Maintenance, Defense-Wide" or "Re-
17 search, Development, Test and Evaluation, Defense-
18 Wide" and only for the purposes described in the classified
19 annex accompanying this Act: *Provided further*, That the
20 Secretary shall notify the congressional defense commit-
21 tees in writing of the details of any such transfer not fewer
22 than 15 days prior to making such transfers: *Provided fur-*
23 *ther*, That funds transferred shall be merged with and be
24 available for the same purposes and for the same time pe-
25 riod as the appropriations to which the funds are trans-

1 ferred: *Provided further*, That this transfer authority is in
2 addition to any other transfer authority provided in this
3 Act.

4 SEC. 8127. None of the funds made available by this
5 Act may be used in contravention of section 1590 or 1591
6 of title 18, United States Code, or in contravention of the
7 requirements of section 106(g) or (h) of the Trafficking
8 Victims Protection Act of 2000 (22 U.S.C. 7104(g) or
9 (h)).

10 SEC. 8128. None of the funds made available by this
11 Act for international military education and training, for-
12 eign military financing, excess defense articles, assistance
13 under section 1206 of the National Defense Authorization
14 Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat.
15 3456), issuance for direct commercial sales of military
16 equipment, or peacekeeping operations for the countries
17 of Chad, Yemen, Somalia, Sudan, Democratic Republic of
18 the Congo, and Burma may be used to support any mili-
19 tary training or operations that include child soldiers, as
20 defined by the Child Soldiers Prevention Act of 2008, and
21 except if such assistance is otherwise permitted under sec-
22 tion 404 of the Child Soldiers Prevention Act of 2008
23 (Public Law 110-457; 22 U.S.C. 2370c-1).

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Following
1 page
120

- 1 SEC. 8129. None of the funds made available by this
- 2 Act may be used in contravention of the War Powers Res-
- 3 olution (50 U.S.C. 1541 et seq.).

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1

TITLE IX

2

OVERSEAS CONTINGENCY OPERATIONS

3

MILITARY PERSONNEL

4

MILITARY PERSONNEL, ARMY

5

For an additional amount for “Military Personnel,

6

Army”, \$7,195,335,000: *Provided*, That such amounts in

7

this paragraph are designated by the Congress for Over-

8

seas Contingency Operations/Global War on Terrorism

9

pursuant to section 251(b)(2)(A) of the Balanced Budget

10

and Emergency Deficit Control Act of 1985.

11

MILITARY PERSONNEL, NAVY

12

For an additional amount for “Military Personnel,

13

Navy”, \$1,259,234,000: *Provided*, That such amounts in

14

this paragraph are designated by the Congress for Over-

15

seas Contingency Operations/Global War on Terrorism

16

pursuant to section 251(b)(2)(A) of the Balanced Budget

17

and Emergency Deficit Control Act of 1985.

18

MILITARY PERSONNEL, MARINE CORPS

19

For an additional amount for “Military Personnel,

20

Marine Corps”, \$714,360,000: *Provided*, That such

21

amounts in this paragraph are designated by the Congress

22

for Overseas Contingency Operations/Global War on Ter-

23

rorism pursuant to section 251(b)(2)(A) of the Balanced

24

Budget and Emergency Deficit Control Act of 1985.

1 MILITARY PERSONNEL, AIR FORCE

2 For an additional amount for “Military Personnel,
3 Air Force”, \$1,492,381,000: *Provided*, That such
4 amounts in this paragraph are designated by the Congress
5 for Overseas Contingency Operations/Global War on Ter-
6 rorism pursuant to section 251(b)(2)(A) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985.

8 RESERVE PERSONNEL, ARMY

9 For an additional amount for “Reserve Personnel,
10 Army”, \$207,162,000: *Provided*, That such amounts in
11 this paragraph are designated by the Congress for Over-
12 seas Contingency Operations/Global War on Terrorism
13 pursuant to section 251(b)(2)(A) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 RESERVE PERSONNEL, NAVY

16 For an additional amount for “Reserve Personnel,
17 Navy”, \$44,530,000: *Provided*, That such amounts in this
18 paragraph are designated by the Congress for Overseas
19 Contingency Operations/Global War on Terrorism pursu-
20 ant to section 251(b)(2)(A) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 RESERVE PERSONNEL, MARINE CORPS

23 For an additional amount for “Reserve Personnel,
24 Marine Corps”, \$25,421,000: *Provided*, That such
25 amounts in this paragraph are designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985.

4 RESERVE PERSONNEL, AIR FORCE

5 For an additional amount for “Reserve Personnel,
6 Air Force” \$26,815,000: *Provided*, That such amounts in
7 this paragraph are designated by the Congress for Over-
8 seas Contingency Operations/Global War on Terrorism
9 pursuant to section 251(b)(2)(A) of the Balanced Budget
10 and Emergency Deficit Control Act of 1985.

11 NATIONAL GUARD PERSONNEL, ARMY

12 For an additional amount for “National Guard Per-
13 sonnel, Army”, \$664,579,000: *Provided*, That such
14 amounts in this paragraph are designated by the Congress
15 for Overseas Contingency Operations/Global War on Ter-
16 rorism pursuant to section 251(b)(2)(A) of the Balanced
17 Budget and Emergency Deficit Control Act of 1985.

18 NATIONAL GUARD PERSONNEL, AIR FORCE

19 For an additional amount for “National Guard Per-
20 sonnel, Air Force”, \$9,435,000: *Provided*, That such
21 amounts in this paragraph are designated by the Congress
22 for Overseas Contingency Operations/Global War on Ter-
23 rorism pursuant to section 251(b)(2)(A) of the Balanced
24 Budget and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE

2 OPERATION AND MAINTENANCE, ARMY

3 For an additional amount for “Operation and Main-
4 tenance, Army”, \$44,794,156,000: *Provided*, That such
5 amounts in this paragraph are designated by the Congress
6 for Overseas Contingency Operations/Global War on Ter-
7 rorism pursuant to section 251(b)(2)(A) of the Balanced
8 Budget and Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, NAVY

10 For an additional amount for “Operation and Main-
11 tenance, Navy”, \$7,674,026,000: *Provided*, That such
12 amounts in this paragraph are designated by the Congress
13 for Overseas Contingency Operations/Global War on Ter-
14 rorism pursuant to section 251(b)(2)(A) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985.

16 OPERATION AND MAINTENANCE, MARINE CORPS

17 For an additional amount for “Operation and Main-
18 tenance, Marine Corps”, \$3,935,210,000: *Provided*, That
19 such amounts in this paragraph are designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 OPERATION AND MAINTENANCE, AIR FORCE

2 For an additional amount for “Operation and Main-
3 tenance, Air Force”, \$10,879,347,000: *Provided*, That
4 such amounts in this paragraph are designated by the
5 Congress for Overseas Contingency Operations/Global
6 War on Terrorism pursuant to section 251(b)(2)(A) of the
7 Balanced Budget and Emergency Deficit Control Act of
8 1985.

9 OPERATION AND MAINTENANCE, DEFENSE-WIDE

10 For an additional amount for “Operation and Main-
11 tenance, Defense-Wide”, ~~##~~ \$9,252,211,000: *Provided*, That ~~##~~
12 each amount in this section is designated by the Congress
13 for Overseas Contingency Operations/Global War on Ter-
14 rorism pursuant to section 251(b)(2)(A) of the Balanced
15 Budget and Emergency Deficit Control Act of 1985: *Pro-*
16 *vided further*, That of the funds provided under this head-
17 ing: Not to exceed \$1,690,000,000, to remain available
18 until September 30, 2013, for payments to reimburse key
19 cooperating nations for logistical, military, and other sup-
20 port, including access, provided to United States military
21 operations in support of Operation Enduring Freedom,
22 Operation New Dawn, and post-operation Iraq border se-
23 curity related to the activities of the Office of Security
24 Cooperation in Iraq, notwithstanding any other provision
25 of law: *Provided further*, That such reimbursement pay-

1 ments may be made in such amounts as the Secretary of
2 Defense, with the concurrence of the Secretary of State,
3 and in consultation with the Director of the Office of Man-
4 agement and Budget, may determine, in his discretion,
5 based on documentation determined by the Secretary of
6 Defense to adequately account for the support provided,
7 and such determination is final and conclusive upon the
8 accounting officers of the United States, and 15 days fol-
9 lowing notification to the appropriate congressional com-
10 mittees: *Provided further*, That the requirement to provide
11 notification shall not apply with respect to a reimburse-
12 ment for access based on an international agreement: *Pro-*
13 *vided further*, That these funds may be used for the pur-
14 pose of providing specialized training and procuring sup-
15 plies and specialized equipment and providing such sup-
16 plies and loaning such equipment on a non-reimbursable
17 basis to coalition forces supporting United States military
18 operations in Afghanistan, and 15 days following notifica-
19 tion to the appropriate congressional committees: *Provided*
20 *further*, That the Secretary of Defense shall provide quar-
21 terly reports to the congressional defense committees on
22 the use of funds provided in this paragraph.

23 OPERATION AND MAINTENANCE, ARMY RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Army Reserve”, \$217,500,000: *Provided*, That

1 such amounts in this paragraph are designated by the
2 Congress for Overseas Contingency Operations/Global
3 War on Terrorism pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 OPERATION AND MAINTENANCE, NAVY RESERVE

7 For an additional amount for “Operation and Main-
8 tenance, Navy Reserve”, \$74,148,000: *Provided*, That
9 such amounts in this paragraph are designated by the
10 Congress for Overseas Contingency Operations/Global
11 War on Terrorism pursuant to section 251(b)(2)(A) of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985.

14 OPERATION AND MAINTENANCE, MARINE CORPS
15 RESERVE

16 For an additional amount for “Operation and Main-
17 tenance, Marine Corps Reserve”, \$36,084,000: *Provided*,
18 That such amounts in this paragraph are designated by
19 the Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

23 OPERATION AND MAINTENANCE, AIR FORCE RESERVE

24 For an additional amount for “Operation and Main-
25 tenance, Air Force Reserve”, \$142,050,000: *Provided*,

1 That such amounts in this paragraph are designated by
2 the Congress for Overseas Contingency Operations/Global
3 War on Terrorism pursuant to section 251(b)(2)(A) of the
4 Balanced Budget and Emergency Deficit Control Act of
5 1985.

6 **OPERATION AND MAINTENANCE, ARMY NATIONAL**

7 **GUARD**

8 For an additional amount for “Operation and Main-
9 tenance, Army National Guard”, \$377,544,000: *Provided*,
10 That such amounts in this paragraph are designated by
11 the Congress for Overseas Contingency Operations/Global
12 War on Terrorism pursuant to section 251(b)(2)(A) of the
13 Balanced Budget and Emergency Deficit Control Act of
14 1985.

15 **OPERATION AND MAINTENANCE, AIR NATIONAL GUARD**

16 For an additional amount for “Operation and Main-
17 tenance, Air National Guard”, \$34,050,000: *Provided*,
18 That such amounts in this paragraph are designated by
19 the Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

1 AFGHANISTAN INFRASTRUCTURE FUND

2 (INCLUDING TRANSFER OF FUNDS)

3 For the "Afghanistan Infrastructure Fund",
4 \$400,000,000, to remain available until September 30,
5 2013: *Provided*, That such sums shall be available for in-
6 frastructure projects in Afghanistan, notwithstanding any
7 other provision of law, which shall be undertaken by the
8 Secretary of State, unless the Secretary of State and the
9 Secretary of Defense jointly decide that a specific project
10 will be undertaken by the Department of Defense: *Pro-*
11 *vided further*, That the infrastructure referred to in the
12 preceding proviso is in support of the counterinsurgency
13 strategy, requiring funding for facility and infrastructure
14 projects, including, but not limited to, water, power, and
15 transportation projects and related maintenance and
16 sustainment costs: *Provided further*, That the authority to
17 undertake such infrastructure projects is in addition to
18 any other authority to provide assistance to foreign na-
19 tions: *Provided further*, That any projects funded by this
20 appropriation shall be jointly formulated and concurred in
21 by the Secretary of State and Secretary of Defense: *Pro-*
22 *vided further*, That funds may be transferred to the De-
23 partment of State for purposes of undertaking projects,
24 which funds shall be considered to be economic assistance
25 under the Foreign Assistance Act of 1961 for purposes

1 of making available the administrative authorities con-
2 tained in that Act: *Provided further*, That the transfer au-
3 thority in the preceding proviso is in addition to any other
4 authority available to the Department of Defense to trans-
5 fer funds: *Provided further*, That any unexpended funds
6 transferred to the Secretary of State under this authority
7 shall be returned to the Afghanistan Infrastructure Fund
8 if the Secretary of State, in coordination with the Sec-
9 retary of Defense, determines that the project cannot be
10 implemented for any reason, or that the project no longer
11 supports the counterinsurgency strategy in Afghanistan:
12 *Provided further*, That any funds returned to the Sec-
13 retary of Defense under the previous proviso shall be avail-
14 able for use under this appropriation and shall be treated
15 in the same manner as funds not transferred to the Sec-
16 retary of State: *Provided further*, That contributions of
17 funds for the purposes provided herein to the Secretary
18 of State in accordance with section 635(d) of the Foreign
19 Assistance Act from any person, foreign government, or
20 international organization may be credited to this Fund,
21 to remain available until expended, and used for such pur-
22 poses: *Provided further*, That the Secretary of Defense
23 shall, not fewer than 15 days prior to making transfers
24 to or from, or obligations from the Fund, notify the appro-
25 priate committees of Congress in writing of the details of

1 any such transfer: *Provided further*, That the “appropriate
2 committees of Congress” are the Committees on Armed
3 Services, Foreign Relations and Appropriations of the
4 Senate and the Committees on Armed Services, Foreign
5 Affairs and Appropriations of the House of Representa-
6 tives: *Provided further*, That such amounts in this para-
7 graph are designated by the Congress for Overseas Con-
8 tingency Operations/Global War on Terrorism pursuant to
9 section 251(b)(2)(A) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 AFGHANISTAN SECURITY FORCES FUND

12 For the “Afghanistan Security Forces Fund”,
13 \$11,200,000,000, to remain available until September 30,
14 2013: *Provided*, That such funds shall be available to the
15 Secretary of Defense, notwithstanding any other provision
16 of law, for the purpose of allowing the Commander, Com-
17 bined Security Transition Command—Afghanistan, or the
18 Secretary’s designee, to provide assistance, with the con-
19 currence of the Secretary of State, to the security forces
20 of Afghanistan, including the provision of equipment, sup-
21 plies, services, training, facility and infrastructure repair,
22 renovation, and construction, and funding: *Provided fur-*
23 *ther*, That the authority to provide assistance under this
24 heading is in addition to any other authority to provide
25 assistance to foreign nations: *Provided further*, That con-

1 tributions of funds for the purposes provided herein from
2 any person, foreign government, or international organiza-
3 tion may be credited to this Fund and used for such pur-
4 poses: *Provided further*, That the Secretary of Defense
5 shall notify the congressional defense committees in writ-
6 ing upon the receipt and upon the obligation of any con-
7 tribution, delineating the sources and amounts of the
8 funds received and the specific use of such contributions:
9 *Provided further*, That the Secretary of Defense shall, not
10 fewer than 15 days prior to obligating from this appro-
11 priation account, notify the congressional defense commit-
12 tees in writing of the details of any such obligation: *Pro-*
13 *vided further*, That the Secretary of Defense shall notify
14 the congressional defense committees of any proposed new
15 projects or transfer of funds between budget sub-activity
16 groups in excess of \$20,000,000: *Provided further*, That
17 such amounts in this paragraph are designated by the
18 Congress for Overseas Contingency Operations/Global
19 War on Terrorism pursuant to section 251(b)(2)(A) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 PROCUREMENT

23 AIRCRAFT PROCUREMENT, ARMY

24 For an additional amount for "Aircraft Procurement,
25 Army", \$1,137,381,000, to remain available until Sep-

1 tember 30, 2014: *Provided*, That such amounts in this
2 paragraph are designated by the Congress for Overseas
3 Contingency Operations/Global War on Terrorism pursu-
4 ant to section 251(b)(2)(A) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 MISSILE PROCUREMENT, ARMY

7 For an additional amount for “Missile Procurement,
8 Army”, \$126,556,000, to remain available until Sep-
9 tember 30, 2014: *Provided*, That such amounts in this
10 paragraph are designated by the Congress for Overseas
11 Contingency Operations/Global War on Terrorism pursu-
12 ant to section 251(b)(2)(A) of the Balanced Budget and
13 Emergency Deficit Control Act of 1985.

14 PROCUREMENT OF WEAPONS AND TRACKED COMBAT

15 VEHICLES, ARMY

16 For an additional amount for “Procurement of Weap-
17 ons and Tracked Combat Vehicles, Army”, \$37,117,000,
18 to remain available until September 30, 2014: *Provided*,
19 That such amounts in this paragraph are designated by
20 the Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 PROCUREMENT OF AMMUNITION, ARMY

2 For an additional amount for “Procurement of Am-
3 munition, Army”, \$208,381,000, to remain available until
4 September 30, 2014: *Provided*, That such amounts in this
5 paragraph are designated by the Congress for Overseas
6 Contingency Operations/Global War on Terrorism pursu-
7 ant to section 251(b)(2)(A) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 OTHER PROCUREMENT, ARMY

10 For an additional amount for “Other Procurement,
11 Army”, \$1,334,345,000, to remain available until Sep-
12 tember 30, 2014: *Provided*, That such amounts in this
13 paragraph are designated by the Congress for Overseas
14 Contingency Operations/Global War on Terrorism pursu-
15 ant to section 251(b)(2)(A) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 AIRCRAFT PROCUREMENT, NAVY

18 For an additional amount for “Aircraft Procurement,
19 Navy”, \$480,935,000, to remain available until September
20 30, 2014: *Provided*, That such amounts in this paragraph
21 are designated by the Congress for Overseas Contingency
22 Operations/Global War on Terrorism pursuant to section
23 251(b)(2)(A) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 WEAPONS PROCUREMENT, NAVY

2 For an additional amount for “Weapons Procure-
3 ment, Navy”, \$41,070,000, to remain available until Sep-
4 tember 30, 2014: *Provided*, That such amounts in this
5 paragraph are designated by the Congress for Overseas
6 Contingency Operations/Global War on Terrorism pursu-
7 ant to section 251(b)(2)(A) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 PROCUREMENT OF AMMUNITION, NAVY AND MARINE
10 CORPS

11 For an additional amount for “Procurement of Am-
12 munition, Navy and Marine Corps”, \$317,100,000, to re-
13 main available until September 30, 2014: *Provided*, That
14 such amounts in this paragraph are designated by the
15 Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 OTHER PROCUREMENT, NAVY

20 For an additional amount for “Other Procurement,
21 Navy”, \$236,125,000, to remain available until September
22 30, 2014: *Provided*, That such amounts in this paragraph
23 are designated by the Congress for Overseas Contingency
24 Operations/Global War on Terrorism pursuant to section

1 251(b)(2)(A) of the Balanced Budget and Emergency
2 Deficit Control Act of 1985.

3 PROCUREMENT, MARINE CORPS

4 For an additional amount for “Procurement, Marine
5 Corps”, \$1,233,996,000, to remain available until Sep-
6 tember 30, 2014: *Provided*, That such amounts in this
7 paragraph are designated by the Congress for Overseas
8 Contingency Operations/Global War on Terrorism pursu-
9 ant to section 251(b)(2)(A) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 AIRCRAFT PROCUREMENT, AIR FORCE

12 For an additional amount for “Aircraft Procurement,
13 Air Force”, \$1,235,777,000, to remain available until
14 September 30, 2014: *Provided*, That such amounts in this
15 paragraph are designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 MISSILE PROCUREMENT, AIR FORCE

20 For an additional amount for “Missile Procurement,
21 Air Force”, \$41,220,000, to remain available until Sep-
22 tember 30, 2014: *Provided*, That such amounts in this
23 paragraph are designated by the Congress for Overseas
24 Contingency Operations/Global War on Terrorism pursu-

1 ant to section 251(b)(2)(A) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 PROCUREMENT OF AMMUNITION, AIR FORCE

4 For an additional amount for “Procurement of Am-
5 munition, Air Force”, \$109,010,000, to remain available
6 until September 30, 2014: *Provided*, That such amounts
7 in this paragraph are designated by the Congress for
8 Overseas Contingency Operations/Global War on Ter-
9 rorism pursuant to section 251(b)(2)(A) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985.

11 OTHER PROCUREMENT, AIR FORCE

12 For an additional amount for “Other Procurement,
13 Air Force”, \$3,088,510,000, to remain available until
14 September 30, 2014: *Provided*, That such amounts in this
15 paragraph are designated by the Congress for Overseas
16 Contingency Operations/Global War on Terrorism pursu-
17 ant to section 251(b)(2)(A) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 PROCUREMENT, DEFENSE-WIDE

20 For an additional amount for “Procurement, De-
21 fense-Wide”, \$405,768,000, to remain available until Sep-
22 tember 30, 2014: *Provided*, That such amounts in this
23 paragraph are designated by the Congress for Overseas
24 Contingency Operations/Global War on Terrorism pursu-

1 ant to section 251(b)(2)(A) of the Balanced Budget and
2 Emergency Deficit Control Act of 1985.

3 **NATIONAL GUARD AND RESERVE EQUIPMENT**

4 For procurement of aircraft, missiles, tracked combat
5 vehicles, ammunition, other weapons and other procure-
6 ment for the reserve components of the Armed Forces,
7 \$1,000,000,000, to remain available for obligation until
8 September 30, 2014: *Provided*, That the Chiefs of Na-
9 tional Guard and Reserve components shall, not later than
10 30 days after the enactment of this Act, individually sub-
11 mit to the congressional defense committees the mod-
12 ernization priority assessment for their respective Na-
13 tional Guard or Reserve component: *Provided further*,
14 That such amounts in this paragraph are designated by
15 the Congress for Overseas Contingency Operations/Global
16 War on Terrorism pursuant to section 251(b)(2)(A) of the
17 Balanced Budget and Emergency Deficit Control Act of
18 1985.

19 **MINE RESISTANT AMBUSH PROTECTED VEHICLE FUND**

20 (INCLUDING TRANSFER OF FUNDS)

21 For the Mine Resistant Ambush Protected Vehicle
22 Fund, \$2,600,170,000, to remain available until Sep-
23 tember 30, 2013: *Provided*, That such funds shall be avail-
24 able to the Secretary of Defense, notwithstanding any
25 other provision of law, to procure, sustain, transport, and

1 field Mine Resistant Ambush Protected vehicles: *Provided*
2 *further*, That the Secretary shall transfer such funds only
3 to appropriations made available in this or any other Act
4 for operation and maintenance; procurement; research, de-
5 velopment, test and evaluation; and defense working cap-
6 ital funds to accomplish the purpose provided herein: *Pro-*
7 *vided further*, That such transferred funds shall be merged
8 with and be available for the same purposes and the same
9 time period as the appropriation to which transferred:
10 *Provided further*, That this transfer authority is in addi-
11 tion to any other transfer authority available to the De-
12 partment of Defense: *Provided further*, That the Secretary
13 shall, not fewer than 10 days prior to making transfers
14 from this appropriation, notify the congressional defense
15 committees in writing of the details of any such transfer:
16 *Provided further*, That such amounts in this paragraph are
17 designated by the Congress for Overseas Contingency Op-
18 erations/Global War on Terrorism pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

1 RESEARCH, DEVELOPMENT, TEST AND
2 EVALUATION

3 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
4 ARMY

5 For an additional amount for “Research, Develop-
6 ment, Test and Evaluation, Army”, \$18,513,000, to re-
7 main available until September 30, 2013: *Provided*, That
8 such amounts in this paragraph are designated by the
9 Congress for Overseas Contingency Operations/Global
10 War on Terrorism pursuant to section 251(b)(2)(A) of the
11 Balanced Budget and Emergency Deficit Control Act of
12 1985.

13 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
14 NAVY

15 For an additional amount for “Research, Develop-
16 ment, Test and Evaluation, Navy”, \$53,884,000, to re-
17 main available until September 30, 2013: *Provided*, That
18 such amounts in this paragraph are designated by the
19 Congress for Overseas Contingency Operations/Global
20 War on Terrorism pursuant to section 251(b)(2)(A) of the
21 Balanced Budget and Emergency Deficit Control Act of
22 1985.

1 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
2 AIR FORCE

3 For an additional amount for “Research, Develop-
4 ment, Test and Evaluation, Air Force”, \$259,600,000, to
5 remain available until September 30, 2013: *Provided*,
6 That such amounts in this paragraph are designated by
7 the Congress for Overseas Contingency Operations/Global
8 War on Terrorism pursuant to section 251(b)(2)(A) of the
9 Balanced Budget and Emergency Deficit Control Act of
10 1985.

11 RESEARCH, DEVELOPMENT, TEST AND EVALUATION,
12 DEFENSE-WIDE

13 For an additional amount for “Research, Develop-
14 ment, Test and Evaluation, Defense-Wide”,
15 \$194,361,000, to remain available until September 30,
16 2013: *Provided*, That such amounts in this paragraph are
17 designated by the Congress for Overseas Contingency Op-
18 erations/Global War on Terrorism pursuant to section
19 251(b)(2)(A) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 REVOLVING AND MANAGEMENT FUNDS

22 DEFENSE WORKING CAPITAL FUNDS

23 For an additional amount for “Defense Working
24 Capital Funds”, \$435,013,000: *Provided*, That such
25 amounts in this paragraph are designated by the Congress

1 for Overseas Contingency Operations/Global War on Ter-
2 rorism pursuant to section 251(b)(2)(A) of the Balanced
3 Budget and Emergency Deficit Control Act of 1985.

4 OTHER DEPARTMENT OF DEFENSE PROGRAMS

5 DEFENSE HEALTH PROGRAM

6 For an additional amount for “Defense Health Pro-
7 gram”, \$1,228,288,000, which shall be for operation and
8 maintenance, to remain available until September 30,
9 2012: *Provided*, That such amounts in this paragraph are
10 designated by the Congress for Overseas Contingency Op-
11 erations/Global War on Terrorism pursuant to section
12 251(b)(2)(A) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES,

15 DEFENSE

16 For an additional amount for “Drug Interdiction and
17 Counter-Drug Activities, Defense”, \$456,458,000, to re-
18 main available until September 30, 2013: *Provided*, That
19 such amounts in this paragraph are designated by the
20 Congress for Overseas Contingency Operations/Global
21 War on Terrorism pursuant to section 251(b)(2)(A) of the
22 Balanced Budget and Emergency Deficit Control Act of
23 1985.

1 JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND
2 (INCLUDING TRANSFER OF FUNDS)

3 For the “Joint Improvised Explosive Device Defeat
4 Fund”, \$2,441,984,000, to remain available until Sep-
5 tember 30, 2014: *Provided*, That such funds shall be avail-
6 able to the Secretary of Defense, notwithstanding any
7 other provision of law, for the purpose of allowing the Di-
8 rector of the Joint Improvised Explosive Device Defeat
9 Organization to investigate, develop and provide equip-
10 ment, supplies, services, training, facilities, personnel and
11 funds to assist United States forces in the defeat of impro-
12 vised explosive devices: *Provided further*, That the Sec-
13 retary of Defense may transfer funds provided herein to
14 appropriations for military personnel; operation and main-
15 tenance; procurement; research, development, test and
16 evaluation; and defense working capital funds to accom-
17 plish the purpose provided herein: *Provided further*, That
18 this transfer authority is in addition to any other transfer
19 authority available to the Department of Defense: *Pro-*
20 *vided further*, That the Secretary of Defense shall, not
21 fewer than 15 days prior to making transfers from this
22 appropriation, notify the congressional defense committees
23 in writing of the details of any such transfer: *Provided*
24 *further*, That such amounts in this paragraph are des-
25 ignated by the Congress for Overseas Contingency Oper-

1 ations/Global War on Terrorism pursuant to section
2 251(b)(2)(A) of the Balanced Budget and Emergency
3 Deficit Control Act of 1985.

4 OFFICE OF THE INSPECTOR GENERAL

5 For an additional amount for the “Office of the In-
6 spector General”, \$11,055,000: *Provided*, That such
7 amounts in this paragraph are designated by the Congress
8 for Overseas Contingency Operations/Global War on Ter-
9 rorism pursuant to section 251(b)(2)(A) of the Balanced
10 Budget and Emergency Deficit Control Act of 1985.

11 GENERAL PROVISIONS—THIS TITLE

12 SEC. 9001. Notwithstanding any other provision of
13 law, funds made available in this title are in addition to
14 amounts appropriated or otherwise made available for the
15 Department of Defense for fiscal year 2012.

16 (INCLUDING TRANSFER OF FUNDS)

17 SEC. 9002. Upon the determination of the Secretary
18 of Defense that such action is necessary in the national
19 interest, the Secretary may, with the approval of the Of-
20 fice of Management and Budget, transfer up to
21 \$4,000,000,000 between the appropriations or funds made
22 available to the Department of Defense in this title: *Pro-*
23 *vided*, That the Secretary shall notify the Congress
24 promptly of each transfer made pursuant to the authority
25 in this section: *Provided further*, That the authority pro-

1 vided in this section is in addition to any other transfer
2 authority available to the Department of Defense and is
3 subject to the same terms and conditions as the authority
4 provided in the Department of Defense Appropriations
5 Act, 2012.

6 SEC. 9003. Supervision and administration costs as-
7 sociated with a construction project funded with appro-
8 priations available for operation and maintenance, “Af-
9 ghanistan Infrastructure Fund”, or the “Afghanistan Se-
10 curity Forces Fund” provided in this Act and executed
11 in direct support of overseas contingency operations in Af-
12 ghanistan, may be obligated at the time a construction
13 contract is awarded: *Provided*, That for the purpose of this
14 section, supervision and administration costs include all
15 in-house Government costs.

16 SEC. 9004. From funds made available in this title,
17 the Secretary of Defense may purchase for use by military
18 and civilian employees of the Department of Defense in
19 the U.S. Central Command area of responsibility: (a) pas-
20 senger motor vehicles up to a limit of \$75,000 per vehicle;
21 and (b) heavy and light armored vehicles for the physical
22 security of personnel or for force protection purposes up
23 to a limit of \$250,000 per vehicle, notwithstanding price
24 or other limitations applicable to the purchase of pas-
25 senger carrying vehicles.

1 SEC. 9005. Not to exceed \$400,000,000 of the
2 amount appropriated in this title under the heading “Op-
3 eration and Maintenance, Army” may be used, notwith-
4 standing any other provision of law, to fund the Com-
5 mander’s Emergency Response Program (CERP), for the
6 purpose of enabling military commanders in Afghanistan
7 to respond to urgent, small-scale, humanitarian relief and
8 reconstruction requirements within their areas of responsi-
9 bility: *Provided*, That each project (including any ancillary
10 or related elements in connection with such project) exe-
11 cuted under this authority shall not exceed \$20,000,000:
12 *Provided further*, That not later than 45 days after the
13 end of each fiscal year quarter, the Secretary of Defense
14 shall submit to the congressional defense committees a re-
15 port regarding the source of funds and the allocation and
16 use of funds during that quarter that were made available
17 pursuant to the authority provided in this section or under
18 any other provision of law for the purposes described here-
19 in: *Provided further*, That, not later than 30 days after
20 the end of each month, the Army shall submit to the con-
21 gressional defense committees monthly commitment, obli-
22 gation, and expenditure data for the Commander’s Emer-
23 gency Response Program in Afghanistan: *Provided further*,
24 That not less than 15 days before making funds available
25 pursuant to the authority provided in this section or under

1 any other provision of law for the purposes described here-
2 in for a project with a total anticipated cost for completion
3 of \$5,000,000 or more, the Secretary shall submit to the
4 congressional defense committees a written notice con-
5 taining each of the following:

6 (1) The location, nature and purpose of the
7 proposed project, including how the project is in-
8 tended to advance the military campaign plan for
9 the country in which it is to be carried out.

10 (2) The budget, implementation timeline with
11 milestones, and completion date for the proposed
12 project, including any other CERP funding that has
13 been or is anticipated to be contributed to the com-
14 pletion of the project.

15 (3) A plan for the sustainment of the proposed
16 project, including the agreement with either the host
17 nation, a non-Department of Defense agency of the
18 United States Government or a third-party contrib-
19 utor to finance the sustainment of the activities and
20 maintenance of any equipment or facilities to be pro-
21 vided through the proposed project.

22 SEC. 9006. Funds available to the Department of De-
23 fense for operation and maintenance may be used, not-
24 withstanding any other provision of law, to provide sup-
25 plies, services, transportation, including airlift and sealift,

1 and other logistical support to coalition forces supporting
2 military and stability operations in Iraq and Afghanistan:
3 *Provided*, That the Secretary of Defense shall provide
4 quarterly reports to the congressional defense committees
5 regarding support provided under this section.

6 SEC. 9007. None of the funds appropriated or other-
7 wise made available by this or any other Act shall be obli-
8 gated or expended by the United States Government for
9 a purpose as follows:

10 (1) To establish any military installation or
11 base for the purpose of providing for the permanent
12 stationing of United States Armed Forces in Iraq.

13 (2) To exercise United States control over any
14 oil resource of Iraq.

15 (3) To establish any military installation or
16 base for the purpose of providing for the permanent
17 stationing of United States Armed Forces in Af-
18 ghanistan.

19 SEC. 9008. None of the funds made available in this
20 Act may be used in contravention of the following laws
21 enacted or regulations promulgated to implement the
22 United Nations Convention Against Torture and Other
23 Cruel, Inhuman or Degrading Treatment or Punishment
24 (done at New York on December 10, 1984):

1 (1) Section 2340A of title 18, United States
2 Code.

3 (2) Section 2242 of the Foreign Affairs Reform
4 and Restructuring Act of 1998 (division G of Public
5 Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231
6 note) and regulations prescribed thereto, including
7 regulations under part 208 of title 8, Code of Fed-
8 eral Regulations, and part 95 of title 22, Code of
9 Federal Regulations.

10 (3) Sections 1002 and 1003 of the Department
11 of Defense, Emergency Supplemental Appropriations
12 to Address Hurricanes in the Gulf of Mexico, and
13 Pandemic Influenza Act, 2006 (Public Law 109–
14 148).

15 SEC. 9009. None of the funds provided for the “Af-
16 ghanistan Security Forces Fund” (ASFF) may be obli-
17 gated prior to the approval of a financial and activity plan
18 by the Afghanistan Resources Oversight Council (AROC)
19 of the Department of Defense: *Provided*, That the AROC
20 must approve the requirement and acquisition plan for any
21 service requirements in excess of \$50,000,000 annually
22 and any non-standard equipment requirements in excess
23 of \$100,000,000 using ASFF: *Provided further*, That the
24 AROC must approve all projects and the execution plan
25 under the “Afghanistan Infrastructure Fund” (AIF) and

1 any project in excess of \$5,000,000 from the Commanders
2 Emergency Response Program (CERP): *Provided further,*
3 That the Department of Defense must certify to the con-
4 gressional defense committees that the AROC has con-
5 vened and approved a process for ensuring compliance
6 with the requirements in the preceding provisos and ac-
7 companying report language for the ASFF, AIF, and
8 CERP.

9 SEC. 9010. (a) FUNDING FOR OUTREACH AND RE-
10 INTEGRATION SERVICES UNDER YELLOW RIBBON RE-
11 INTEGRATION PROGRAM.—Of the amounts appropriated
12 or otherwise made available by title IX, up to \$20,000,000
13 may be available for outreach and reintegration services
14 under the Yellow Ribbon Reintegration Program under
15 section 582(h) of the National Defense Authorization Act
16 for Fiscal Year 2008 (Public Law 110–181; 122 Stat.
17 125; 10 U.S.C. 10101 note).

18 (b) SUPPLEMENT NOT SUPPLANT.—The amount
19 made available by subsection (a) for the services described
20 in that subsection is in addition to any other amounts
21 available in this Act for such services.

22 SEC. 9011. Funds made available in this title to the
23 Department of Defense for operation and maintenance
24 may be used to purchase items having an investment unit
25 cost of not more than \$250,000: *Provided, That, upon de-*

1 termination by the Secretary of Defense that such action
2 is necessary to meet the operational requirements of a
3 Commander of a Combatant Command engaged in contin-
4 gency operations overseas, such funds may be used to pur-
5 chase items having an investment item unit cost of not
6 more than \$500,000.

7 SEC. 9012. Notwithstanding any other provision of
8 law, up to \$150,000,000 of funds made available in this
9 title under the heading “Operation and Maintenance,
10 Army” may be obligated and expended for purposes of the
11 Task Force for Business and Stability Operations, subject
12 to the direction and control of the Secretary of Defense,
13 with concurrence of the Secretary of State, to carry out
14 strategic business and economic assistance activities in Af-
15 ghanistan in support of Operation Enduring Freedom:
16 *Provided*, That not less than 15 days before making funds
17 available pursuant to the authority provided in this section
18 for any project with a total anticipated cost of \$5,000,000
19 or more, the Secretary shall submit to the congressional
20 defense committees a written notice containing a detailed
21 justification and timeline for each proposed project.

22 SEC. 9013. From funds made available to the De-
23 partment of Defense in this title under the heading “Oper-
24 ation and Maintenance, Air Force” up to \$524,000,000
25 may be used by the Secretary of Defense, notwithstanding

1 any other provision of law, to support United States Gov-
2 ernment transition activities in Iraq by funding the oper-
3 ations and activities of the Office of Security Cooperation
4 in Iraq and security assistance teams, including life sup-
5 port, transportation and personal security, and facilities
6 renovation and construction: *Provided*, That not less than
7 15 days before making funds available pursuant to the au-
8 thority provided in this section, the Secretary shall submit
9 to the congressional defense committees a written notice
10 containing a detailed justification and timeline for each
11 proposed site.

12 SEC. 9014. The amounts appropriated in title IX of
13 this Act are hereby reduced by \$4,042,500,000 to reflect
14 reduced troop strength in theater: *Provided*, That the re-
15 ductions shall be applied to the military personnel and op-
16 eration and maintenance appropriations only: *Provided*
17 *further*, That the Secretary of Defense shall, not fewer
18 than 15 days prior to reducing funds for this purpose, no-
19 tify the congressional defense committees in writing of the
20 details of any such reduction by appropriation and budget
21 line item.

22 SEC. 9015. Of the funds appropriated in Department
23 of Defense Appropriations Acts, the following funds are
24 hereby rescinded from the following accounts and pro-
25 grams in the specified amounts: *Provided*, That such

1 amounts are designated by the Congress for Overseas
2 Contingency Operations/Global War on Terrorism pursu-
3 ant to section 251(b)(2)(A) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985:

5 “Overseas Contingency Operations Transfer
6 Fund, 2010”, \$356,810,000;

7 “Procurement of Ammunition, Army, 2010/
8 2012”, \$21,000,000;

9 “Other Procurement, Air Force, 2010/2012”,
10 \$2,250,000.

11 This division may be cited as the “Department
12 of Defense Appropriations Act, 2012”.

XEROX

**1] DIVISION H — MILITARY CONSTRUCTION AND VETERANS
AFFAIRS AND RELATED AGENCIES APPROPRIATIONS
ACT, 2012**

~~1 That the following sums are appropriated, out of any
2 money in the Treasury not otherwise appropriated, for
3 military construction, the Department of Veterans Affairs,
4 and related agencies for the fiscal year ending September
5 30, 2012, and for other purposes, namely.~~

6

TITLE I

7

DEPARTMENT OF DEFENSE

8

MILITARY CONSTRUCTION, ARMY

9 For acquisition, construction, installation, and equip-
10 ment of temporary or permanent public works, military
11 installations, facilities, and real property for the Army as
12 currently authorized by law, including personnel in the
13 Army Corps of Engineers and other personal services nec-
14 essary for the purposes of this appropriation, and for con-
15 struction and operation of facilities in support of the func-
16 tions of the Commander in Chief, \$3,006,491,000, to re-
17 main available until September 30, 2016: *Provided*, That
18 of this amount, not to exceed \$229,741,000 shall be avail-
19 able for study, planning, design, architect and engineer
20 services, and host nation support, as authorized by law,
21 unless the Secretary of Army determines that additional
22 obligations are necessary for such purposes and notifies
23 the Committees on Appropriations of both Houses of Con-
24 gress of the determination and the reasons therefor.

1 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

2 For acquisition, construction, installation, and equip-
3 ment of temporary or permanent public works, naval in-
4 stallations, facilities, and real property for the Navy and
5 Marine Corps as currently authorized by law, including
6 personnel in the Naval Facilities Engineering Command
7 and other personal services necessary for the purposes of
8 this appropriation, \$2,112,823,000, to remain available
9 until September 30, 2016: *Provided*, That of this amount,
10 not to exceed \$84,362,000 shall be available for study,
11 planning, design, and architect and engineer services, as
12 authorized by law, unless the Secretary of Navy deter-
13 mines that additional obligations are necessary for such
14 purposes and notifies the Committees on Appropriations
15 of both Houses of Congress of the determination and the
16 reasons therefor.

17 MILITARY CONSTRUCTION, AIR FORCE

18 For acquisition, construction, installation, and equip-
19 ment of temporary or permanent public works, military
20 installations, facilities, and real property for the Air Force
21 as currently authorized by law, \$1,227,058,000, to remain
22 available until September 30, 2016: *Provided*, That of this
23 amount, not to exceed \$81,913,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Secretary of Air

1 Force determines that additional obligations are necessary
2 for such purposes and notifies the Committees on Appro-
3 priations of both Houses of Congress of the determination
4 and the reasons therefor.

5 MILITARY CONSTRUCTION, DEFENSE-WIDE
6 (INCLUDING TRANSFER OF FUNDS)

7 For acquisition, construction, installation, and equip-
8 ment of temporary or permanent public works, installa-
9 tions, facilities, and real property for activities and agen-
10 cies of the Department of Defense (other than the military
11 departments), as currently authorized by law,
12 \$3,431,957,000, to remain available until September 30,
13 2016: *Provided*, That such amounts of this appropriation
14 as may be determined by the Secretary of Defense may
15 be transferred to such appropriations of the Department
16 of Defense available for military construction or family
17 housing as the Secretary may designate, to be merged with
18 and to be available for the same purposes, and for the
19 same time period, as the appropriation or fund to which
20 transferred: *Provided further*, That of the amount appro-
21 priated, not to exceed \$430,602,000 shall be available for
22 study, planning, design, and architect and engineer serv-
23 ices, as authorized by law, unless the Secretary of Defense
24 determines that additional obligations are necessary for
25 such purposes and notifies the Committees on Appropria-

1 tions of both Houses of Congress of the determination and
2 the reasons therefor: *Provided further*, That of the amount
3 appropriated, notwithstanding any other provision of law,
4 \$24,118,000 shall be available for payments to the North
5 Atlantic Treaty Organization for the planning, design, and
6 construction of a new North Atlantic Treaty Organization
7 headquarters: *Provided further*, That the Department of
8 Defense shall not award a design contract to exceed the
9 20 percent design level for the Landstuhl Regional Med-
10 ical Center in Germany until the Secretary of Defense:
11 (1) provides the Committees on Appropriations of the
12 House of Representatives and the Senate a plan for imple-
13 menting the recommendations of the Government Ac-
14 countability Office with respect to the plans, baseline data,
15 and estimated cost of the facility; and (2) certifies in writ-
16 ing to the Committees that the facility is properly sized
17 and scoped to meet current and projected healthcare re-
18 quirements.

19 **MILITARY CONSTRUCTION, ARMY NATIONAL GUARD**

20 For construction, acquisition, expansion, rehabilita-
21 tion, and conversion of facilities for the training and ad-
22 ministration of the Army National Guard, and contribu-
23 tions therefor, as authorized by chapter 1803 of title 10,
24 United States Code, and Military Construction Authoriza-
25 tion Acts, \$773,592,000, to remain available until Sep-

1 tember 30, 2016: *Provided*, That of the amount appro-
2 priated, not to exceed \$20,671,000 shall be available for
3 study, planning, design, and architect and engineer serv-
4 ices, as authorized by law, unless the Director of the Army
5 National Guard determines that additional obligations are
6 necessary for such purposes and notifies the Committees
7 on Appropriations of both Houses of Congress of the de-
8 termination and the reasons therefor.

9 **MILITARY CONSTRUCTION, AIR NATIONAL GUARD**

10 For construction, acquisition, expansion, rehabilita-
11 tion, and conversion of facilities for the training and ad-
12 ministration of the Air National Guard, and contributions
13 therefor, as authorized by chapter 1803 of title 10, United
14 States Code, and Military Construction Authorization
15 Acts, \$116,246,000, to remain available until September
16 30, 2016: *Provided*, That of the amount appropriated, not
17 to exceed \$12,225,000 shall be available for study, plan-
18 ning, design, and architect and engineer services, as au-
19 thorized by law, unless the Director of the Air National
20 Guard determines that additional obligations are nec-
21 essary for such purposes and notifies the Committees on
22 Appropriations of both Houses of Congress of the deter-
23 mination and the reasons therefor.

1 MILITARY CONSTRUCTION, ARMY RESERVE

2 For construction, acquisition, expansion, rehabilita-
3 tion, and conversion of facilities for the training and ad-
4 ministration of the Army Reserve as authorized by chapter
5 1803 of title 10, United States Code, and Military Con-
6 struction Authorization Acts, \$280,549,000, to remain
7 available until September 30, 2016: *Provided*, That of the
8 amount appropriated, not to exceed \$28,924,000 shall be
9 available for study, planning, design, and architect and en-
10 gineer services, as authorized by law, unless the Chief of
11 the Army Reserve determines that additional obligations
12 are necessary for such purposes and notifies the Commit-
13 tees on Appropriations of both Houses of Congress of the
14 determination and the reasons therefor.

15 MILITARY CONSTRUCTION, NAVY RESERVE

16 For construction, acquisition, expansion, rehabilita-
17 tion, and conversion of facilities for the training and ad-
18 ministration of the reserve components of the Navy and
19 Marine Corps as authorized by chapter 1803 of title 10,
20 United States Code, and Military Construction Authoriza-
21 tion Acts, \$26,299,000, to remain available until Sep-
22 tember 30, 2016: *Provided*, That of the amount appro-
23 priated, not to exceed \$2,591,000 shall be available for
24 study, planning, design, and architect and engineer serv-
25 ices, as authorized by law, unless the Secretary of the

1 Navy determines that additional obligations are necessary
2 for such purposes and notifies the Committees on Appro-
3 priations of both Houses of Congress of the determination
4 and the reasons therefor.

5 MILITARY CONSTRUCTION, AIR FORCE RESERVE

6 For construction, acquisition, expansion, rehabilita-
7 tion, and conversion of facilities for the training and ad-
8 ministration of the Air Force Reserve as authorized by
9 chapter 1803 of title 10, United States Code, and Military
10 Construction Authorization Acts, \$33,620,000, to remain
11 available until September 30, 2016: *Provided*, That of the
12 amount appropriated, not to exceed \$2,200,000 shall be
13 available for study, planning, design, and architect and en-
14 gineer services, as authorized by law, unless the Chief of
15 the Air Force Reserve determines that additional obliga-
16 tions are necessary for such purposes and notifies the
17 Committees on Appropriations of both Houses of Congress
18 of the determination and the reasons therefor.

19 NORTH ATLANTIC TREATY ORGANIZATION

20 SECURITY INVESTMENT PROGRAM

21 For the United States share of the cost of the North
22 Atlantic Treaty Organization Security Investment Pro-
23 gram for the acquisition and construction of military fa-
24 cilities and installations (including international military
25 headquarters) and for related expenses for the collective

1 defense of the North Atlantic Treaty Area as authorized
2 by section 2806 of title 10, United States Code, and Mili-
3 tary Construction Authorization Acts, \$247,611,000, to
4 remain available until expended.

5 FAMILY HOUSING CONSTRUCTION, ARMY

6 For expenses of family housing for the Army for con-
7 struction, including acquisition, replacement, addition, ex-
8 pansion, extension, and alteration, as authorized by law,
9 \$176,897,000, to remain available until September 30,
10 2016.

11 FAMILY HOUSING OPERATION AND MAINTENANCE,
12 ARMY

13 For expenses of family housing for the Army for op-
14 eration and maintenance, including debt payment, leasing,
15 minor construction, principal and interest charges, and in-
16 surance premiums, as authorized by law, \$493,458,000.

17 FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE
18 CORPS

19 For expenses of family housing for the Navy and Ma-
20 rine Corps for construction, including acquisition, replace-
21 ment, addition, expansion, extension, and alteration, as
22 authorized by law, \$100,972,000, to remain available until
23 September 30, 2016.

1 FAMILY HOUSING OPERATION AND MAINTENANCE,
2 NAVY AND MARINE CORPS

3 For expenses of family housing for the Navy and Ma-
4 rine Corps for operation and maintenance, including debt
5 payment, leasing, minor construction, principal and inter-
6 est charges, and insurance premiums, as authorized by
7 law, \$367,863,000.

8 FAMILY HOUSING CONSTRUCTION, AIR FORCE

9 For expenses of family housing for the Air Force for
10 construction, including acquisition, replacement, addition,
11 expansion, extension, and alteration, as authorized by law,
12 \$60,042,000, to remain available until September 30,
13 2016.

14 FAMILY HOUSING OPERATION AND MAINTENANCE, AIR
15 FORCE

16 For expenses of family housing for the Air Force for
17 operation and maintenance, including debt payment, leas-
18 ing, minor construction, principal and interest charges,
19 and insurance premiums, as authorized by law,
20 \$429,523,000.

21 FAMILY HOUSING OPERATION AND MAINTENANCE,
22 DEFENSE-WIDE

23 For expenses of family housing for the activities and
24 agencies of the Department of Defense (other than the
25 military departments) for operation and maintenance,

1 leasing, and minor construction, as authorized by law,
2 \$50,723,000.

3 DEPARTMENT OF DEFENSE FAMILY HOUSING
4 IMPROVEMENT FUND

5 For the Department of Defense Family Housing Im-
6 provement Fund, \$2,184,000, to remain available until ex-
7 pended, for family housing initiatives undertaken pursu-
8 ant to section 2883 of title 10, United States Code, pro-
9 viding alternative means of acquiring and improving mili-
10 tary family housing and supporting facilities.

11 HOMEOWNERS ASSISTANCE FUND

12 For the Homeowners Assistance Fund established by
13 section 1013 of the Demonstration Cities and Metropoli-
14 tan Development Act of 1966, (42 U.S.C. 3374), as
15 amended by section 1001 of division A of the American
16 Recovery and Reinvestment Act of 2009 (Public Law 111-
17 5; 123 Stat. 194), \$1,284,000, to remain available until
18 expended: *Provided*, That the Secretary of Defense shall
19 not issue any regulation or otherwise take any action to
20 limit the submission prior to September 30, 2012, of ap-
21 plications for benefits, including permanent change of sta-
22 tion benefits, as provided under section 1013 of the Dem-
23 onstration Cities and Metropolitan Development Act of
24 1966, (42 U.S.C. 3374), as amended.

1 CHEMICAL DEMILITARIZATION CONSTRUCTION,
2 DEFENSE-WIDE

3 For expenses of construction, not otherwise provided
4 for, necessary for the destruction of the United States
5 stockpile of lethal chemical agents and munitions in ac-
6 cordance with section 1412 of the Department of Defense
7 Authorization Act, 1986 (50 U.S.C. 1521), and for the
8 destruction of other chemical warfare materials that are
9 not in the chemical weapon stockpile, as currently author-
10 ized by law, \$75,312,000, to remain available until Sep-
11 tember 30, 2016, which shall be only for the Assembled
12 Chemical Weapons Alternatives program.

13 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
14 1990

15 For deposit into the Department of Defense Base
16 Closure Account 1990, established by section 2906(a)(1)
17 of the Defense Base Closure and Realignment Act of 1990
18 (10 U.S.C. 2687 note), \$323,543,000, to remain available
19 until expended.

20 DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT
21 2005

22 For deposit into the Department of Defense Base
23 Closure Account 2005, established by section 2906A(a)(1)
24 of the Defense Base Closure and Realignment Act of 1990
25 (10 U.S.C. 2687 note), \$258,776,000, to remain available

1 until expended: *Provided*, That the Department of Defense
2 shall notify the Committees on Appropriations of both
3 Houses of Congress 14 days prior to obligating an amount
4 for a construction project that exceeds or reduces the
5 amount identified for that project in the most recently
6 submitted budget request for this account by 20 percent
7 or \$2,000,000, whichever is less: *Provided further*, That
8 the previous proviso shall not apply to projects costing less
9 than \$5,000,000, except for those projects not previously
10 identified in any budget submission for this account and
11 exceeding the minor construction threshold under section
12 2805 of title 10, United States Code.

13 ADMINISTRATIVE PROVISIONS

14 SEC. 101. None of the funds made available in this
15 title shall be expended for payments under a cost-plus-a-
16 fixed-fee contract for construction, where cost estimates
17 exceed \$25,000, to be performed within the United States,
18 except Alaska, without the specific approval in writing of
19 the Secretary of Defense setting forth the reasons there-
20 for.

21 SEC. 102. Funds made available in this title for con-
22 struction shall be available for hire of passenger motor ve-
23 hicles.

24 SEC. 103. Funds made available in this title for con-
25 struction may be used for advances to the Federal High-

1 way Administration, Department of Transportation, for
2 the construction of access roads as authorized by section
3 210 of title 23, United States Code, when projects author-
4 ized therein are certified as important to the national de-
5 fense by the Secretary of Defense.

6 SEC. 104. None of the funds made available in this
7 title may be used to begin construction of new bases in
8 the United States for which specific appropriations have
9 not been made.

10 SEC. 105. None of the funds made available in this
11 title shall be used for purchase of land or land easements
12 in excess of 100 percent of the value as determined by
13 the Army Corps of Engineers or the Naval Facilities Engi-
14 neering Command, except: (1) where there is a determina-
15 tion of value by a Federal court; (2) purchases negotiated
16 by the Attorney General or the designee of the Attorney
17 General; (3) where the estimated value is less than
18 \$25,000; or (4) as otherwise determined by the Secretary
19 of Defense to be in the public interest.

20 SEC. 106. None of the funds made available in this
21 title shall be used to: (1) acquire land; (2) provide for site
22 preparation; or (3) install utilities for any family housing,
23 except housing for which funds have been made available
24 in annual Acts making appropriations for military con-
25 struction.

1 SEC. 107. None of the funds made available in this
2 title for minor construction may be used to transfer or
3 relocate any activity from one base or installation to an-
4 other, without prior notification to the Committees on Ap-
5 propriations of both Houses of Congress.

6 SEC. 108. None of the funds made available in this
7 title may be used for the procurement of steel for any con-
8 struction project or activity for which American steel pro-
9 ducers, fabricators, and manufacturers have been denied
10 the opportunity to compete for such steel procurement.

11 SEC. 109. None of the funds available to the Depart-
12 ment of Defense for military construction or family hous-
13 ing during the current fiscal year may be used to pay real
14 property taxes in any foreign nation.

15 SEC. 110. None of the funds made available in this
16 title may be used to initiate a new installation overseas
17 without prior notification to the Committees on Appro-
18 priations of both Houses of Congress.

19 SEC. 111. None of the funds made available in this
20 title may be obligated for architect and engineer contracts
21 estimated by the Government to exceed \$500,000 for
22 projects to be accomplished in Japan, in any North Atlan-
23 tic Treaty Organization member country, or in countries
24 bordering the Arabian Sea, unless such contracts are

1 awarded to United States firms or United States firms
2 in joint venture with host nation firms.

3 SEC. 112. None of the funds made available in this
4 title for military construction in the United States terri-
5 tories and possessions in the Pacific and on Kwajalein
6 Atoll, or in countries bordering the Arabian Sea, may be
7 used to award any contract estimated by the Government
8 to exceed \$1,000,000 to a foreign contractor: *Provided*,
9 That this section shall not be applicable to contract
10 awards for which the lowest responsive and responsible bid
11 of a United States contractor exceeds the lowest respon-
12 sive and responsible bid of a foreign contractor by greater
13 than 20 percent: *Provided further*, That this section shall
14 not apply to contract awards for military construction on
15 Kwajalein Atoll for which the lowest responsive and re-
16 sponsible bid is submitted by a Marshallese contractor.

17 SEC. 113. The Secretary of Defense shall inform the
18 appropriate committees of both Houses of Congress, in-
19 cluding the Committees on Appropriations, of plans and
20 scope of any proposed military exercise involving United
21 States personnel 30 days prior to its occurring, if amounts
22 expended for construction, either temporary or permanent,
23 are anticipated to exceed \$100,000.

24 SEC. 114. Not more than 20 percent of the funds
25 made available in this title which are limited for obligation

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 118. In addition to any other transfer authority
3 available to the Department of Defense, proceeds depos-
4 ited to the Department of Defense Base Closure Account
5 established by section 207(a)(1) of the Defense Authoriza-
6 tion Amendments and Base Closure and Realignment Act
7 (10 U.S.C. 2687 note) pursuant to section 207(a)(2)(C)
8 of such Act, may be transferred to the account established
9 by section 2906(a)(1) of the Defense Base Closure and
10 Realignment Act of 1990 (10 U.S.C. 2687 note), to be
11 merged with, and to be available for the same purposes
12 and the same time period as that account.

13 (INCLUDING TRANSFER OF FUNDS)

14 SEC. 119. Subject to 30 days prior notification, or
15 14 days for a notification provided in an electronic me-
16 dium pursuant to sections 480 and 2883 of title 10,
17 United States Code, to the Committees on Appropriations
18 of both Houses of Congress, such additional amounts as
19 may be determined by the Secretary of Defense may be
20 transferred to: (1) the Department of Defense Family
21 Housing Improvement Fund from amounts appropriated
22 for construction in "Family Housing" accounts, to be
23 merged with and to be available for the same purposes
24 and for the same period of time as amounts appropriated
25 directly to the Fund; or (2) the Department of Defense

1 Military Unaccompanied Housing Improvement Fund
2 from amounts appropriated for construction of military
3 unaccompanied housing in "Military Construction" ac-
4 counts, to be merged with and to be available for the same
5 purposes and for the same period of time as amounts ap-
6 propriated directly to the Fund: *Provided*, That appropria-
7 tions made available to the Funds shall be available to
8 cover the costs, as defined in section 502(5) of the Con-
9 gressional Budget Act of 1974, of direct loans or loan
10 guarantees issued by the Department of Defense pursuant
11 to the provisions of subchapter IV of chapter 169 of title
12 10, United States Code, pertaining to alternative means
13 of acquiring and improving military family housing, mili-
14 tary unaccompanied housing, and supporting facilities.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 120. In addition to any other transfer authority
17 available to the Department of Defense, amounts may be
18 transferred from the accounts established by sections
19 2906(a)(1) and 2906A(a)(1) of the Defense Base Closure
20 and Realignment Act of 1990 (10 U.S.C. 2687 note), to
21 the fund established by section 1013(d) of the Demonstra-
22 tion Cities and Metropolitan Development Act of 1966 (42
23 U.S.C. 3374) to pay for expenses associated with the
24 Homeowners Assistance Program incurred under 42
25 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be

1 merged with and be available for the same purposes and
2 for the same time period as the fund to which transferred.

3 SEC. 121. Notwithstanding any other provision of
4 law, funds made available in this title for operation and
5 maintenance of family housing shall be the exclusive
6 source of funds for repair and maintenance of all family
7 housing units, including general or flag officer quarters:
8 *Provided*, That not more than \$35,000 per unit may be
9 spent annually for the maintenance and repair of any gen-
10 eral or flag officer quarters without 30 days prior notifica-
11 tion, or 14 days for a notification provided in an electronic
12 medium pursuant to sections 480 and 2883 of title 10,
13 United States Code, to the Committees on Appropriations
14 of both Houses of Congress, except that an after-the-fact
15 notification shall be submitted if the limitation is exceeded
16 solely due to costs associated with environmental remedi-
17 ation that could not be reasonably anticipated at the time
18 of the budget submission: *Provided further*, That the
19 Under Secretary of Defense (Comptroller) is to report an-
20 nually to the Committees on Appropriations of both
21 Houses of Congress all operation and maintenance ex-
22 penditures for each individual general or flag officer quar-
23 ters for the prior fiscal year.

24 SEC. 122. Amounts contained in the Ford Island Im-
25 provement Account established by subsection (h) of sec-

1 tion 2814 of title 10, United States Code, are appro-
2 priated and shall be available until expended for the pur-
3 poses specified in subsection (i)(1) of such section or until
4 transferred pursuant to subsection (i)(3) of such section.

5 SEC. 123. None of the funds made available in this
6 title, or in any Act making appropriations for military con-
7 struction which remain available for obligation, may be ob-
8 ligated or expended to carry out a military construction,
9 land acquisition, or family housing project at or for a mili-
10 tary installation approved for closure, or at a military in-
11 stallation for the purposes of supporting a function that
12 has been approved for realignment to another installation,
13 in 2005 under the Defense Base Closure and Realignment
14 Act of 1990 (part A of title XXIX of Public Law 101-
15 510; 10 U.S.C. 2687 note), unless such a project at a mili-
16 tary installation approved for realignment will support a
17 continuing mission or function at that installation or a
18 new mission or function that is planned for that installa-
19 tion, or unless the Secretary of Defense certifies that the
20 cost to the United States of carrying out such project
21 would be less than the cost to the United States of cancel-
22 ling such project, or if the project is at an active compo-
23 nent base that shall be established as an enclave or in the
24 case of projects having multi-agency use, that another
25 Government agency has indicated it will assume ownership

1 of the completed project. The Secretary of Defense may
2 not transfer funds made available as a result of this limi-
3 tation from any military construction project, land acquisi-
4 tion, or family housing project to another account or use
5 such funds for another purpose or project without the
6 prior approval of the Committees on Appropriations of
7 both Houses of Congress. This section shall not apply to
8 military construction projects, land acquisition, or family
9 housing projects for which the project is vital to the na-
10 tional security or the protection of health, safety, or envi-
11 ronmental quality: *Provided*, That the Secretary of De-
12 fense shall notify the congressional defense committees
13 within seven days of a decision to carry out such a military
14 construction project.

15 (INCLUDING TRANSFER OF FUNDS)

16 SEC. 124. During the 5-year period after appropria-
17 tions available in this Act to the Department of Defense
18 for military construction and family housing operation and
19 maintenance and construction have expired for obligation,
20 upon a determination that such appropriations will not be
21 necessary for the liquidation of obligations or for making
22 authorized adjustments to such appropriations for obliga-
23 tions incurred during the period of availability of such ap-
24 propriations, unobligated balances of such appropriations
25 may be transferred into the appropriation "Foreign Cur-

1 rency Fluctuations, Construction, Defense”, to be merged
2 with and to be available for the same time period and for
3 the same purposes as the appropriation to which trans-
4 ferred.

5 SEC. 125. Amounts appropriated or otherwise made
6 available in an account funded under the headings in this
7 title may be transferred among projects and activities
8 within the account in accordance with the reprogramming
9 guidelines for military construction and family housing
10 construction contained in Department of Defense Finan-
11 cial Management Regulation 7000.14–R, Volume 3, Chap-
12 ter 7, of February 2009, as in effect on the date of enact-
13 ment of this Act.

14 SEC. 126. (a) Notwithstanding any other provision
15 of law, the Secretary of the Army shall close Umatilla
16 Chemical Depot, Oregon, not later than 1 year after the
17 completion of chemical demilitarization activities required
18 under the Chemical Weapons Convention.

19 (b) The closure of the Umatilla Chemical Depot, Or-
20 egon, and subsequent management and property disposal
21 shall be carried out in accordance with procedures and au-
22 thorities contained in the Defense Base Closure and Re-
23 alignment Act of 1990 (part A of title XXIX of Public
24 Law 110–510; 10 U.S.C. 2687 note).

1 (c) Nothing in this section shall be construed to affect
2 or limit the application of, or any obligation to comply
3 with, any environmental law, including the Comprehensive
4 Environmental Response, Compensation, and Liability Act
5 of 1980 (42 U.S.C. 9601 et seq.) and the Solid Waste
6 Disposal Act (42 U.S.C. 6901 et seq.).

7 (d) The Secretary of the Army may retain minimum
8 essential ranges, facilities, and training areas at Umatilla
9 Chemical Depot, totaling approximately 7,500 acres, as a
10 training enclave for the reserve components of the Armed
11 Forces to permit the conduct of individual and annual
12 training.

13 SEC. 127. None of the funds made available by this
14 Act may be used by the Secretary of Defense to take bene-
15 ficial occupancy of more than 2,000 parking spaces (other
16 than handicap-reserved spaces) to be provided by the
17 BRAC 133 project: *Provided*, That this limitation may be
18 waived in part if: (1) the Secretary of Defense certifies
19 to Congress that levels of service at existing intersections
20 in the vicinity of the project have not experienced failing
21 levels of service as defined by the Transportation Research
22 Board Highway Capacity Manual over a consecutive 90-
23 day period; (2) the Department of Defense and the Vir-
24 ginia Department of Transportation agree on the number
25 of additional parking spaces that may be made available

1 to employees of the facility subject to continued 90-day
2 traffic monitoring; and (3) the Secretary of Defense noti-
3 fies the congressional defense committees in writing at
4 least 14 days prior to exercising this waiver of the number
5 of additional parking spaces to be made available: *Pro-*
6 *vided further*, That the Secretary of Defense shall imple-
7 ment the Department of Defense Inspector General rec-
8 ommendations outlined in report number DODIG-2012-
9 024, and certify to Congress not later than 180 days after
10 enactment of this Act that the recommendations have been
11 implemented.

12 SEC. 128. None of the funds appropriated or other-
13 wise made available by this title may be obligated or ex-
14 pended for a permanent United States Africa Command
15 headquarters outside of the United States until the Sec-
16 retary of Defense provides the congressional defense com-
17 mittees an analysis of all military construction costs asso-
18 ciated with establishing a permanent location overseas
19 versus in the United States.

20 SEC. 129. None of the funds made available by this
21 Act may be used for any action that relates to or promotes
22 the expansion of the boundaries or size of the Pinon Can-
23 yon Maneuver Site, Colorado.

24 SEC. 130. (a) Except as provided in subsection (b),
25 none of the funds made available in this Act may be used

1 by the Secretary of the Army to relocate a unit in the
2 Army that—

3 (1) performs a testing mission or function that
4 is not performed by any other unit in the Army and
5 is specifically stipulated in title 10, United States
6 Code; and

7 (2) is located at a military installation at which
8 the total number of civilian employees of the Depart-
9 ment of the Army and Army contractor personnel
10 employed exceeds 10 percent of the total number of
11 members of the regular and reserve components of
12 the Army assigned to the installation.

13 (b) EXCEPTION.—Subsection (a) shall not apply if
14 the Secretary of the Army certifies to the congressional
15 defense committees that in proposing the relocation of the
16 unit of the Army, the Secretary complied with Army Regu-
17 lation 5–10 relating to the policy, procedures, and respon-
18 sibilities for Army stationing actions.

19 (INCLUDING RESCISSIONS OF FUNDS)

20 SEC. 131. Of the unobligated balances available
21 under the following headings from prior appropriations
22 Acts (other than appropriations designated by law as
23 being for contingency operations directly related to the
24 global war on terrorism or as an emergency requirement),
25 the following amounts are hereby rescinded: “Military

1 Construction, Army”, \$100,000,000; “Military Construc-
2 tion, Navy and Marine Corps”, \$25,000,000; “Military
3 Construction, Air Force”, \$32,000,000; and “Military
4 Construction, Defense-Wide”, \$131,400,000.

5 (INCLUDING RESCISSION OF FUNDS)

6 SEC. 132. Of the unobligated balances available for
7 “Department of Defense Base Closure Account 2005”,
8 from prior appropriations Acts (other than appropriations
9 designated by law as being for contingency operations di-
10 rectly related to the global war on terrorism or as an emer-
11 gency requirement), \$258,776,000 are hereby rescinded.

12 ~~SEC. 133. Notwithstanding any other provision of~~
13 ~~law, funds made available by this title may be obligated~~
14 ~~and expended to carry out planning and design and mili-~~
15 ~~tary construction projects not otherwise authorized by law:~~
16 ~~Provided, That the authority provided in this section shall~~
17 ~~expire on September 30, 2012, or the date of enactment~~
18 ~~of a National Defense Authorization Act for Fiscal Year~~
19 ~~2012, whichever occurs first.]]~~

1 TITLE II
2 DEPARTMENT OF VETERANS AFFAIRS
3 VETERANS BENEFITS ADMINISTRATION
4 COMPENSATION AND PENSIONS
5 (INCLUDING TRANSFER OF FUNDS)

6 For the payment of compensation benefits to or on
7 behalf of veterans and a pilot program for disability ex-
8 aminations as authorized by section 107 and chapters 11,
9 13, 18, 51, 53, 55, and 61 of title 38, United States Code;
10 pension benefits to or on behalf of veterans as authorized
11 by chapters 15, 51, 53, 55, and 61 of title 38, United
12 States Code; and burial benefits, the Reinstated Entitle-
13 ment Program for Survivors, emergency and other offi-
14 cers' retirement pay, adjusted-service credits and certifi-
15 cates, payment of premiums due on commercial life insur-
16 ance policies guaranteed under the provisions of title IV
17 of the Servicemembers Civil Relief Act (50 U.S.C. App.
18 541 et seq.) and for other benefits as authorized by sec-
19 tions 107, 1312, 1977, and 2106, and chapters 23, 51,
20 53, 55, and 61 of title 38, United States Code,
21 \$51,237,567,000, to remain available until expended: *Pro-*
22 *vided*, That not to exceed \$32,187,000 of the amount ap-
23 propriated under this heading shall be reimbursed to
24 "General operating expenses, Veterans Benefits Adminis-
25 tration", "Medical support and compliance", and "Infor-

1 mation technology systems” for necessary expenses in im-
2 plementing the provisions of chapters 51, 53, and 55 of
3 title 38, United States Code, the funding source for which
4 is specifically provided as the “Compensation and pen-
5 sions” appropriation: *Provided further*, That such sums as
6 may be earned on an actual qualifying patient basis, shall
7 be reimbursed to “Medical care collections fund” to aug-
8 ment the funding of individual medical facilities for nurs-
9 ing home care provided to pensioners as authorized.

10 READJUSTMENT BENEFITS

11 For the payment of readjustment and rehabilitation
12 benefits to or on behalf of veterans as authorized by chap-
13 ters 21, 30, 31, 33, 34, 35, 36, 39, 51, 53, 55, and 61
14 of title 38, United States Code, \$12,108,488,000, to re-
15 main available until expended: *Provided*, That expenses for
16 rehabilitation program services and assistance which the
17 Secretary is authorized to provide under subsection (a) of
18 section 3104 of title 38, United States Code, other than
19 under paragraphs (1), (2), (5), and (11) of that sub-
20 section, shall be charged to this account.

21 VETERANS INSURANCE AND INDEMNITIES

22 For military and naval insurance, national service life
23 insurance, servicemen’s indemnities, service-disabled vet-
24 erans insurance, and veterans mortgage life insurance as

1 authorized by chapters 19 and 21, title 38, United States
2 Code, \$100,252,000, to remain available until expended.

3 VETERANS HOUSING BENEFIT PROGRAM FUND

4 For the cost of direct and guaranteed loans, such
5 sums as may be necessary to carry out the program, as
6 authorized by subchapters I through III of chapter 37 of
7 title 38, United States Code: *Provided*, That such costs,
8 including the cost of modifying such loans, shall be as de-
9 fined in section 502 of the Congressional Budget Act of
10 1974: *Provided further*, That during fiscal year 2012,
11 within the resources available, not to exceed \$500,000 in
12 gross obligations for direct loans are authorized for spe-
13 cially adapted housing loans.

14 In addition, for administrative expenses to carry out
15 the direct and guaranteed loan programs, \$154,698,000.

16 VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

17 For the cost of direct loans, \$19,000, as authorized
18 by chapter 31 of title 38, United States Code: *Provided*,
19 That such costs, including the cost of modifying such
20 loans, shall be as defined in section 502 of the Congres-
21 sional Budget Act of 1974: *Provided further*, That funds
22 made available under this heading are available to sub-
23 sidize gross obligations for the principal amount of direct
24 loans not to exceed \$3,019,000.

1 In addition, for administrative expenses necessary to
2 carry out the direct loan program, \$343,000, which may
3 be paid to the appropriation for "General operating ex-
4 penses, Veterans Benefits Administration".

5 NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM

6 ACCOUNT

7 For administrative expenses to carry out the direct
8 loan program authorized by subchapter V of chapter 37
9 of title 38, United States Code, \$1,116,000.

10 VETERANS HEALTH ADMINISTRATION

11 MEDICAL SERVICES

12 For necessary expenses for furnishing, as authorized
13 by law, inpatient and outpatient care and treatment to
14 beneficiaries of the Department of Veterans Affairs and
15 veterans described in section 1705(a) of title 38, United
16 States Code, including care and treatment in facilities not
17 under the jurisdiction of the Department, and including
18 medical supplies and equipment, food services, and sala-
19 ries and expenses of health care employees hired under
20 title 38, United States Code, aid to State homes as author-
21 ized by section 1741 of title 38, United States Code, as-
22 sistance and support services for caregivers as authorized
23 by section 1720G of title 38, United States Code, and loan
24 repayments authorized by section 604 of the Caregivers
25 and Veterans Omnibus Health Services Act of 2010 (Pub-

1 lie Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note)
2 \$41,354,000,000, plus reimbursements, shall become
3 available on October 1, 2012, and shall remain available
4 until September 30, 2013: *Provided, That,* notwith-
5 standing any other provision of law, the Secretary of Vet-
6 erans Affairs shall establish a priority for the provision
7 of medical treatment for veterans who have service-con-
8 needed disabilities, lower income, or have special needs:
9 *Provided further, That,* notwithstanding any other provi-
10 sion of law, the Secretary of Veterans Affairs shall give
11 priority funding for the provision of basic medical benefits
12 to veterans in enrollment priority groups 1 through 6: *Pro-*
13 *vided further, That,* notwithstanding any other provision
14 of law, the Secretary of Veterans Affairs may authorize
15 the dispensing of prescription drugs from Veterans Health
16 Administration facilities to enrolled veterans with privately
17 written prescriptions based on requirements established by
18 the Secretary: *Provided further, That* the implementation
19 of the program described in the previous proviso shall
20 incur no additional cost to the Department of Veterans
21 Affairs.

22 MEDICAL SUPPORT AND COMPLIANCE

23 For necessary expenses in the administration of the
24 medical, hospital, nursing home, domiciliary, construction,
25 supply, and research activities, as authorized by law; ad-

1 ministrative expenses in support of capital policy activi-
2 ties; and administrative and legal expenses of the Depart-
3 ment for collecting and recovering amounts owed the De-
4 partment as authorized under chapter 17 of title 38,
5 United States Code, and the Federal Medical Care Recov-
6 ery Act (42 U.S.C. 2651 et seq.); \$5,746,000,000, plus
7 reimbursements, shall become available on October 1,
8 2012, and shall remain available until September 30,
9 2013.

10 MEDICAL FACILITIES

11 For necessary expenses for the maintenance and op-
12 eration of hospitals, nursing homes, domiciliary facilities,
13 and other necessary facilities of the Veterans Health Ad-
14 ministration; for administrative expenses in support of
15 planning, design, project management, real property ac-
16 quisition and disposition, construction, and renovation of
17 any facility under the jurisdiction or for the use of the
18 Department; for oversight, engineering, and architectural
19 activities not charged to project costs; for repairing, alter-
20 ing, improving, or providing facilities in the several hos-
21 pitals and homes under the jurisdiction of the Depart-
22 ment, not otherwise provided for, either by contract or by
23 the hire of temporary employees and purchase of mate-
24 rials; for leases of facilities; and for laundry services,
25 \$5,441,000,000, plus reimbursements, shall become avail-

1 able on October 1, 2012, and shall remain available until
2 September 30, 2013.

3 MEDICAL AND PROSTHETIC RESEARCH

4 For necessary expenses in carrying out programs of
5 medical and prosthetic research and development as au-
6 thorized by chapter 73 of title 38, United States Code,
7 \$581,000,000, plus reimbursements, shall remain avail-
8 able until September 30, 2013.

9 NATIONAL CEMETERY ADMINISTRATION

10 For necessary expenses of the National Cemetery Ad-
11 ministration for operations and maintenance, not other-
12 wise provided for, including uniforms or allowances there-
13 for; cemeterial expenses as authorized by law; purchase
14 of one passenger motor vehicle for use in cemeterial oper-
15 ations; hire of passenger motor vehicles; and repair, alter-
16 ation or improvement of facilities under the jurisdiction
17 of the National Cemetery Administration, \$250,934,000,
18 of which not to exceed \$25,100,000 shall remain available
19 until September 30, 2013: *Provided*, That none of the
20 funds under this heading may be used to expand the
21 Urban Initiative project beyond those sites outlined in the
22 fiscal year 2012 or previous budget submissions until the
23 National Cemetery Administration submits to the Com-
24 mittees on Appropriations of both Houses of Congress a
25 detailed strategy to serve the burial needs of veterans re-

1 siding in rural and highly rural areas: *Provided further,*
2 That the report shall include a timeline for implementa-
3 tion of such strategy and cost estimates of establishing
4 new burial sites in at least five rural or highly rural loca-
5 tions.

6 DEPARTMENTAL ADMINISTRATION

7 GENERAL ADMINISTRATION

8 (INCLUDING TRANSFER OF FUNDS)

9 For necessary operating expenses of the Department
10 of Veterans Affairs, not otherwise provided for, including
11 administrative expenses in support of Department-Wide
12 capital planning, management and policy activities, uni-
13 forms, or allowances therefor; not to exceed \$25,000 for
14 official reception and representation expenses; hire of pas-
15 senger motor vehicles; and reimbursement of the General
16 Services Administration for security guard services,
17 \$416,737,000, of which not to exceed \$20,837,000 shall
18 remain available until September 30, 2013: *Provided,*
19 That funds provided under this heading may be trans-
20 ferred to "General operating expenses, Veterans Benefits
21 Administration".

22 GENERAL OPERATING EXPENSES, VETERANS BENEFITS

23 ADMINISTRATION

24 For necessary operating expenses of the Veterans
25 Benefits Administration, not otherwise provided for, in-

1 eluding hire of passenger motor vehicles, reimbursement
2 of the General Services Administration for security guard
3 services, and reimbursement of the Department of De-
4 fense for the cost of overseas employee mail,
5 \$2,018,764,000: *Provided*, That expenses for services and
6 assistance authorized under paragraphs (1), (2), (5), and
7 (11) of section 3104(a) of title 38, United States Code,
8 that the Secretary of Veterans Affairs determines are nec-
9 essary to enable entitled veterans: (1) to the maximum ex-
10 tent feasible, to become employable and to obtain and
11 maintain suitable employment; or (2) to achieve maximum
12 independence in daily living, shall be charged to this ac-
13 count: *Provided further*, That of the funds made available
14 under this heading, not to exceed \$105,000,000 shall re-
15 main available until September 30, 2013: *Provided further*,
16 That from the funds made available under this heading,
17 the Veterans Benefits Administration may purchase (on
18 a one-for-one replacement basis only) up to two passenger
19 motor vehicles for use in operations of that Administration
20 in Manila, Philippines.

21 INFORMATION TECHNOLOGY SYSTEMS

22 For necessary expenses for information technology
23 systems and telecommunications support, including devel-
24 opmental information systems and operational information
25 systems; for pay and associated costs; and for the capital

1 asset acquisition of information technology systems, in-
2 cluding management and related contractual costs of said
3 acquisitions, including contractual costs associated with
4 operations authorized by section 3109 of title 5, United
5 States Code, \$3,111,376,000, plus reimbursements: *Pro-*
6 *vided*, That \$915,000,000 shall be for pay and associated
7 costs, of which not to exceed \$25,000,000 shall remain
8 available until September 30, 2013: *Provided further*, That
9 \$1,616,018,000 shall be for operations and maintenance,
10 of which not to exceed \$110,000,000 shall remain avail-
11 able until September 30, 2013: *Provided further*, That
12 \$580,358,000 shall be for information technology systems
13 development, modernization, and enhancement, and shall
14 remain available until September 30, 2013: *Provided fur-*
15 *ther*, That none of the funds made available under this
16 heading may be obligated until the Department of Vet-
17 erans Affairs submits to the Committees on Appropria-
18 tions of both Houses of Congress, and such Committees
19 approve, a plan for expenditure that: (1) meets the capital
20 planning and investment control review requirements es-
21 tablished by the Office of Management and Budget; (2)
22 complies with the Department of Veterans Affairs enter-
23 prise architecture; (3) conforms with an established enter-
24 prise life cycle methodology; and (4) complies with the ac-
25 quisition rules, requirements, guidelines, and systems ac-

1 quisation management practices of the Federal Govern-
2 ment: *Provided further*, That amounts made available for
3 information technology systems development, moderniza-
4 tion, and enhancement may not be obligated or expended
5 until the Secretary of Veterans Affairs or the Chief Infor-
6 mation Officer of the Department of Veterans Affairs sub-
7 mits to the Committees on Appropriations of both Houses
8 of Congress a certification of the amounts, in parts or in
9 full, to be obligated and expended for each development
10 project: *Provided further*, That amounts made available for
11 salaries and expenses, operations and maintenance, and
12 information technology systems development, moderniza-
13 tion, and enhancement may be transferred among the
14 three subaccounts after the Secretary of Veterans Affairs
15 requests from the Committees on Appropriations of both
16 Houses of Congress the authority to make the transfer
17 and an approval is issued: *Provided further*, That the
18 funds made available under this heading for information
19 technology systems development, modernization, and en-
20 hancement, shall be for the projects, and in the amounts,
21 specified under this heading in the Joint Explanatory
22 Statement of the Committee of Conference.

23 OFFICE OF INSPECTOR GENERAL

24 For necessary expenses of the Office of Inspector
25 General, to include information technology, in carrying out

1 the provisions of the Inspector General Act of 1978 (5
2 U.S.C. App.), \$112,391,000, of which \$6,000,000 shall re-
3 main available until September 30, 2013.

4 CONSTRUCTION, MAJOR PROJECTS

5 For constructing, altering, extending, and improving
6 any of the facilities, including parking projects, under the
7 jurisdiction or for the use of the Department of Veterans
8 Affairs, or for any of the purposes set forth in sections
9 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110,
10 and 8122 of title 38, United States Code, including plan-
11 ning, architectural and engineering services, construction
12 management services, maintenance or guarantee period
13 services costs associated with equipment guarantees pro-
14 vided under the project, services of claims analysts, offsite
15 utility and storm drainage system construction costs, and
16 site acquisition, where the estimated cost of a project is
17 more than the amount set forth in section 8104(a)(3)(A)
18 of title 38, United States Code, or where funds for a
19 project were made available in a previous major project
20 appropriation, \$589,604,000, to remain available until ex-
21 pended, of which \$5,000,000 shall be to make reimburse-
22 ments as provided in section 13 of the Contract Disputes
23 Act of 1978 (41 U.S.C. 612) for claims paid for contract
24 disputes: *Provided*, That except for advance planning ac-
25 tivities, including needs assessments which may or may

1 not lead to capital investments, and other capital asset
2 management related activities, including portfolio develop-
3 ment and management activities, and investment strategy
4 studies funded through the advance planning fund and the
5 planning and design activities funded through the design
6 fund, including needs assessments which may or may not
7 lead to capital investments, and salaries and associated
8 costs of the resident engineers who oversee those capital
9 investments funded through this account, and funds pro-
10 vided for the purchase of land for the National Cemetery
11 Administration through the land acquisition line item,
12 none of the funds made available under this heading shall
13 be used for any project which has not been approved by
14 the Congress in the budgetary process: *Provided further,*
15 That funds made available under this heading for fiscal
16 year 2012, for each approved project shall be obligated:
17 (1) by the awarding of a construction documents contract
18 by September 30, 2012; and (2) by the awarding of a con-
19 struction contract by September 30, 2013: *Provided fur-*
20 *ther,* That the Secretary of Veterans Affairs shall prompt-
21 ly submit to the Committees on Appropriations of both
22 Houses of Congress a written report on any approved
23 major construction project for which obligations are not
24 incurred within the time limitations established above.

1 CONSTRUCTION, MINOR PROJECTS

2 For constructing, altering, extending, and improving
3 any of the facilities, including parking projects, under the
4 jurisdiction or for the use of the Department of Veterans
5 Affairs, including planning and assessments of needs
6 which may lead to capital investments, architectural and
7 engineering services, maintenance or guarantee period
8 services costs associated with equipment guarantees pro-
9 vided under the project, services of claims analysts, offsite
10 utility and storm drainage system construction costs, and
11 site acquisition, or for any of the purposes set forth in
12 sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109,
13 8110, 8122, and 8162 of title 38, United States Code,
14 where the estimated cost of a project is equal to or less
15 than the amount set forth in section 8104(a)(3)(A) of title
16 38, United States Code, \$482,386,000, to remain avail-
17 able until expended, along with unobligated balances of
18 previous "Construction, minor projects" appropriations
19 which are hereby made available for any project where the
20 estimated cost is equal to or less than the amount set forth
21 in such section: *Provided*, That funds made available
22 under this heading shall be for: (1) repairs to any of the
23 nonmedical facilities under the jurisdiction or for the use
24 of the Department which are necessary because of loss or
25 damage caused by any natural disaster or catastrophe;

1 and (2) temporary measures necessary to prevent or to
2 minimize further loss by such causes.

3 GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE
4 FACILITIES

5 For grants to assist States to acquire or construct
6 State nursing home and domiciliary facilities and to re-
7 model, modify, or alter existing hospital, nursing home,
8 and domiciliary facilities in State homes, for furnishing
9 care to veterans as authorized by sections 8131 through
10 8137 of title 38, United States Code, \$85,000,000, to re-
11 main available until expended.

12 GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

13 For grants to assist States and tribal governments
14 in establishing, expanding, or improving veterans ceme-
15 teries as authorized by section 2408 of title 38, United
16 States Code, \$46,000,000, to remain available until ex-
17 pended.

18 ADMINISTRATIVE PROVISIONS

19 (INCLUDING TRANSFER OF FUNDS)

20 SEC. 201. Any appropriation for fiscal year 2012 for
21 "Compensation and pensions", "Readjustment benefits",
22 and "Veterans insurance and indemnities" may be trans-
23 ferred as necessary to any other of the mentioned appro-
24 priations: *Provided*, That before a transfer may take place,
25 the Secretary of Veterans Affairs shall request from the

1 Committees on Appropriations of both Houses of Congress
2 the authority to make the transfer and such Committees
3 issue an approval, or absent a response, a period of 30
4 days has elapsed.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 202. Amounts made available for the Depart-
7 ment of Veterans Affairs for fiscal year 2012, in this Act
8 or any other Act, under the “Medical services”, “Medical
9 support and compliance”, and “Medical facilities” ac-
10 counts may be transferred among the accounts: *Provided*,
11 That any transfers between the “Medical services” and
12 “Medical support and compliance” accounts of 1 percent
13 or less of the total amount appropriated to the account
14 in this or any other Act may take place subject to notifica-
15 tion from the Secretary of Veterans Affairs to the Com-
16 mittees on Appropriations of both Houses of Congress of
17 the amount and purpose of the transfer: *Provided further*,
18 That any transfers between the “Medical services” and
19 “Medical support and compliance” accounts in excess of
20 1 percent, or exceeding the cumulative 1 percent for the
21 fiscal year, may take place only after the Secretary re-
22 quests from the Committees on Appropriations of both
23 Houses of Congress the authority to make the transfer
24 and an approval is issued: *Provided further*, That any
25 transfers to or from the “Medical facilities” account may

1 take place only after the Secretary requests from the Com-
2 mittees on Appropriations of both Houses of Congress the
3 authority to make the transfer and an approval is issued.

4 SEC. 203. Appropriations available in this title for
5 salaries and expenses shall be available for services au-
6 thorized by section 3109 of title 5, United States Code,
7 hire of passenger motor vehicles; lease of a facility or land
8 or both; and uniforms or allowances therefore, as author-
9 ized by sections 5901 through 5902 of title 5, United
10 States Code.

11 SEC. 204. No appropriations in this title (except the
12 appropriations for "Construction, major projects", and
13 "Construction, minor projects") shall be available for the
14 purchase of any site for or toward the construction of any
15 new hospital or home.

16 SEC. 205. No appropriations in this title shall be
17 available for hospitalization or examination of any persons
18 (except beneficiaries entitled to such hospitalization or ex-
19 amination under the laws providing such benefits to vet-
20 erans, and persons receiving such treatment under sec-
21 tions 7901 through 7904 of title 5, United States Code,
22 or the Robert T. Stafford Disaster Relief and Emergency
23 Assistance Act (42 U.S.C. 5121 et seq.)), unless reim-
24 bursement of the cost of such hospitalization or examina-

1 tion is made to the "Medical services" account at such
2 rates as may be fixed by the Secretary of Veterans Affairs.

3 SEC. 206. Appropriations available in this title for
4 "Compensation and pensions", "Readjustment benefits",
5 and "Veterans insurance and indemnities" shall be avail-
6 able for payment of prior year accrued obligations re-
7 quired to be recorded by law against the corresponding
8 prior year accounts within the last quarter of fiscal year
9 2011.

10 SEC. 207. Appropriations available in this title shall
11 be available to pay prior year obligations of corresponding
12 prior year appropriations accounts resulting from sections
13 3328(a), 3334, and 3712(a) of title 31, United States
14 Code, except that if such obligations are from trust fund
15 accounts they shall be payable only from "Compensation
16 and pensions".

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 208. Notwithstanding any other provision of
19 law, during fiscal year 2012, the Secretary of Veterans
20 Affairs shall, from the National Service Life Insurance
21 Fund under section 1920 of title 38, United States Code,
22 the Veterans' Special Life Insurance Fund under section
23 1923 of title 38, United States Code, and the United
24 States Government Life Insurance Fund under section
25 1955 of title 38, United States Code, reimburse the "Gen-

1 eral operating expenses, Veterans Benefits Administra-
2 tion” and “Information technology systems” accounts for
3 the cost of administration of the insurance programs fi-
4 nanced through those accounts: *Provided*, That reimburse-
5 ment shall be made only from the surplus earnings accu-
6 mulated in such an insurance program during fiscal year
7 2012 that are available for dividends in that program after
8 claims have been paid and actuarially determined reserves
9 have been set aside: *Provided further*, That if the cost of
10 administration of such an insurance program exceeds the
11 amount of surplus earnings accumulated in that program,
12 reimbursement shall be made only to the extent of such
13 surplus earnings: *Provided further*, That the Secretary
14 shall determine the cost of administration for fiscal year
15 2012 which is properly allocable to the provision of each
16 such insurance program and to the provision of any total
17 disability income insurance included in that insurance pro-
18 gram.

19 SEC. 209. Amounts deducted from enhanced-use
20 lease proceeds to reimburse an account for expenses in-
21 curred by that account during a prior fiscal year for pro-
22 viding enhanced-use lease services, may be obligated dur-
23 ing the fiscal year in which the proceeds are received.

1 (INCLUDING TRANSFER OF FUNDS)

2 SEC. 210. Funds available in this title or funds for
3 salaries and other administrative expenses shall also be
4 available to reimburse the Office of Resolution Manage-
5 ment of the Department of Veterans Affairs and the Of-
6 fice of Employment Discrimination Complaint Adjudica-
7 tion under section 319 of title 38, United States Code,
8 for all services provided at rates which will recover actual
9 costs but not exceed \$42,904,000 for the Office of Resolu-
10 tion Management and \$3,360,000 for the Office of Em-
11 ployment and Discrimination Complaint Adjudication:
12 *Provided*, That payments may be made in advance for
13 services to be furnished based on estimated costs: *Provided*
14 *further*, That amounts received shall be credited to the
15 "General administration" and "Information technology
16 systems" accounts for use by the office that provided the
17 service.

18 SEC. 211. No appropriations in this title shall be
19 available to enter into any new lease of real property if
20 the estimated annual rental cost is more than \$1,000,000,
21 unless the Secretary submits a report which the Commit-
22 tees on Appropriations of both Houses of Congress ap-
23 prove within 30 days following the date on which the re-
24 port is received.

1 SEC. 212. No funds of the Department of Veterans
2 Affairs shall be available for hospital care, nursing home
3 care, or medical services provided to any person under
4 chapter 17 of title 38, United States Code, for a non-serv-
5 ice-connected disability described in section 1729(a)(2) of
6 such title, unless that person has disclosed to the Sec-
7 retary of Veterans Affairs, in such form as the Secretary
8 may require, current, accurate third-party reimbursement
9 information for purposes of section 1729 of such title: *Pro-*
10 *vided*, That the Secretary may recover, in the same man-
11 ner as any other debt due the United States, the reason-
12 able charges for such care or services from any person who
13 does not make such disclosure as required: *Provided fur-*
14 *ther*, That any amounts so recovered for care or services
15 provided in a prior fiscal year may be obligated by the
16 Secretary during the fiscal year in which amounts are re-
17 ceived.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 213. Notwithstanding any other provision of
20 law, proceeds or revenues derived from enhanced-use leas-
21 ing activities (including disposal) may be deposited into
22 the "Construction, major projects" and "Construction,
23 minor projects" accounts and be used for construction (in-
24 cluding site acquisition and disposition), alterations, and
25 improvements of any medical facility under the jurisdic-

tion or for the use of the Department of Veterans Affairs.
Such sums as realized are in addition to the amount provided for in “Construction, major projects” and “Construction, minor projects”.

SEC. 214. Amounts made available under “Medical services” are available—

(1) for furnishing recreational facilities, supplies, and equipment; and

(2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 215. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, may be transferred to “Medical services”, to remain available until expended for the purposes of that account.

SEC. 216. The Secretary of Veterans Affairs may enter into agreements with Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, and Indian tribes and tribal organizations serving rural Alaska which have entered into contracts with the Indian Health Service under the Indian Self Determination and Educational Assistance Act, to provide healthcare, including behavioral health and

1 dental care. The Secretary shall require participating vet-
2 erans and facilities to comply with all appropriate rules
3 and regulations, as established by the Secretary. The term
4 “rural Alaska” shall mean those lands sited within the ex-
5 ternal boundaries of the Alaska Native regions specified
6 in sections 7(a)(1)–(4) and (7)–(12) of the Alaska Native
7 Claims Settlement Act, as amended (43 U.S.C. 1606), and
8 those lands within the Alaska Native regions specified in
9 sections 7(a)(5) and 7(a)(6) of the Alaska Native Claims
10 Settlement Act, as amended (43 U.S.C. 1606), which are
11 not within the boundaries of the Municipality of Anchor-
12 age, the Fairbanks North Star Borough, the Kenai Penin-
13 sula Borough or the Matanuska Susitna Borough.

14 (INCLUDING TRANSFER OF FUNDS)

15 SEC. 217. Such sums as may be deposited to the De-
16 partment of Veterans Affairs Capital Asset Fund pursu-
17 ant to section 8118 of title 38, United States Code, may
18 be transferred to the “Construction, major projects” and
19 “Construction, minor projects” accounts, to remain avail-
20 able until expended for the purposes of these accounts.

21 SEC. 218. None of the funds made available in this
22 title may be used to implement any policy prohibiting the
23 Directors of the Veterans Integrated Services Networks
24 from conducting outreach or marketing to enroll new vet-
25 erans within their respective Networks.

1 SEC. 219. The Secretary of Veterans Affairs shall
2 submit to the Committees on Appropriations of both
3 Houses of Congress a quarterly report on the financial
4 status of the Veterans Health Administration.

5 (INCLUDING TRANSFER OF FUNDS)

6 SEC. 220. Amounts made available under the “Med-
7 ical services”, “Medical support and compliance”, “Med-
8 ical facilities”, “General operating expenses, Veterans
9 Benefits Administration”, “General administration”, and
10 “National Cemetery Administration” accounts for fiscal
11 year 2012, may be transferred to or from the “Informa-
12 tion technology systems” account: *Provided*, That before
13 a transfer may take place, the Secretary of Veterans Af-
14 fairs shall request from the Committees on Appropriations
15 of both Houses of Congress the authority to make the
16 transfer and an approval is issued.

17 (INCLUDING TRANSFER OF FUNDS)

18 SEC. 221. Amounts made available for the “Informa-
19 tion technology systems” account for development, mod-
20 ernization, and enhancement may be transferred between
21 projects or to newly defined projects: *Provided*, That no
22 project may be increased or decreased by more than
23 \$1,000,000 of cost prior to submitting a request to the
24 Committees on Appropriations of both Houses of Congress

1 to make the transfer and an approval is issued, or absent
2 a response, a period of 30 days has elapsed.

3 SEC. 222. None of the funds appropriated or other-
4 wise made available by this Act or any other Act for the
5 Department of Veterans Affairs may be used in a manner
6 that is inconsistent with: (1) section 842 of the Transpor-
7 tation, Treasury, Housing and Urban Development, the
8 Judiciary, the District of Columbia, and Independent
9 Agencies Appropriations Act, 2006 (Public Law 109–115;
10 119 Stat. 2506); or (2) section 8110(a)(5) of title 38,
11 United States Code.

12 SEC. 223. Of the amounts made available to the De-
13 partment of Veterans Affairs for fiscal year 2012, in this
14 Act or any other Act, under the “Medical facilities” ac-
15 count for nonrecurring maintenance, not more than 20
16 percent of the funds made available shall be obligated dur-
17 ing the last 2 months of that fiscal year: *Provided*, That
18 the Secretary may waive this requirement after providing
19 written notice to the Committees on Appropriations of
20 both Houses of Congress.

21 (INCLUDING TRANSFER OF FUNDS)

22 SEC. 224. Of the amounts appropriated to the De-
23 partment of Veterans Affairs for fiscal year 2012 for
24 “Medical services”, “Medical support and compliance”,
25 “Medical facilities”, “Construction, minor projects”, and

1 “Information technology systems”, up to \$241,666,000,
2 plus reimbursements, may be transferred to the Joint De-
3 partment of Defense-Department of Veterans Affairs
4 Medical Facility Demonstration Fund, established by sec-
5 tion 1704 of the National Defense Authorization Act for
6 Fiscal Year 2010 (Public Law 111–84; 123 Stat. 3571)
7 and may be used for operation of the facilities designated
8 as combined Federal medical facilities as described by sec-
9 tion 706 of the Duncan Hunter National Defense Author-
10 ization Act for Fiscal Year 2009 (Public Law 110–417;
11 122 Stat. 4500): *Provided*, That additional funds may be
12 transferred from accounts designated in this section to the
13 Joint Department of Defense-Department of Veterans Af-
14 fairs Medical Facility Demonstration Fund upon written
15 notification by the Secretary of Veterans Affairs to the
16 Committees on Appropriations of both Houses of Con-
17 gress.

18 (INCLUDING TRANSFER OF FUNDS)

19 SEC. 225. Such sums as may be deposited to the
20 Medical Care Collections Fund pursuant to section 1729A
21 of title 38, United States Code, for health care provided
22 at facilities designated as combined Federal medical facili-
23 ties as described by section 706 of the Duncan Hunter
24 National Defense Authorization Act for Fiscal Year 2009
25 (Public Law 110–417; 122 Stat. 4500) shall also be avail-

1 able: (1) for transfer to the Joint Department of Defense-
2 Department of Veterans Affairs Medical Facility Dem-
3 onstration Fund, established by section 1704 of the Na-
4 tional Defense Authorization Act for Fiscal Year 2010
5 (Public Law 111-84; 123 Stat. 3571); and (2) for oper-
6 ations of the facilities designated as combined Federal
7 medical facilities as described by section 706 of the Dun-
8 can Hunter National Defense Authorization Act for Fiscal
9 Year 2009 (Public Law 110-417; 122 Stat. 4500).

10 (INCLUDING TRANSFER OF FUNDS)

11 SEC. 226. Of the amounts available in this title for
12 “Medical services”, “Medical support and compliance”,
13 and “Medical facilities”, a minimum of \$15,000,000, shall
14 be transferred to the DOD-VA Health Care Sharing In-
15 centive Fund, as authorized by section 8111(d) of title 38,
16 United States Code, to remain available until expended,
17 for any purpose authorized by section 8111 of title 38,
18 United States Code.

19 (INCLUDING RESCISSIONS OF FUNDS)

20 SEC. 227. (a) Of the funds appropriated in title X
21 of division B of Public Law 112-10, the following amounts
22 which became available on October 1, 2011, are hereby
23 rescinded from the following accounts in the amounts
24 specified:

1 (1) “Department of Veterans Affairs, Medical
2 services”, \$1,400,000,000.

3 (2) “Department of Veterans Affairs, Medical
4 support and compliance”, \$100,000,000.

5 (3) “Department of Veterans Affairs, Medical
6 facilities”, \$250,000,000.

7 (b) In addition to amounts provided elsewhere in this
8 Act, an additional amount is appropriated to the following
9 accounts in the amounts specified to remain available until
10 September 30, 2013:

11 (1) “Department of Veterans Affairs, Medical
12 services”, \$1,400,000,000.

13 (2) “Department of Veterans Affairs, Medical
14 support and compliance”, \$100,000,000.

15 (3) “Department of Veterans Affairs, Medical
16 facilities”, \$250,000,000.

17 SEC. 228. The Secretary of the Department of Vet-
18 erans Affairs shall notify the Committees on Appropria-
19 tions of both Houses of Congress of all bid savings in
20 major construction projects that total at least \$5,000,000,
21 or 5 percent of the programmed amount of the project,
22 whichever is less: *Provided*, That such notification shall
23 occur within 14 days of a contract identifying the pro-
24 grammed amount: *Provided further*, That the Secretary
25 shall notify the committees 14 days prior to the obligation

1 of such bid savings and shall describe the anticipated use
2 of such savings.

3 SEC. 229. The scope of work for a project included
4 in “Construction, major projects” may not be increased
5 above the scope specified for that project in the original
6 justification data provided to the Congress as part of the
7 request for appropriations.

8 SEC. 230. (a) EXCEPTION WITH RESPECT TO CON-
9 FIDENTIAL NATURE OF CLAIMS.—Section 5701 of title
10 38, United States Code, is amended by adding at the end
11 the following new subsection:

12 “(I) Under regulations the Secretary shall prescribe,
13 the Secretary may disclose information about a veteran
14 or the dependent of a veteran to a State controlled sub-
15 stance monitoring program, including a program approved
16 by the Secretary of Health and Human Services under
17 section 399O of the Public Health Service Act (42 U.S.C.
18 280g–3), to the extent necessary to prevent misuse and
19 diversion of prescription medicines.”.

20 (b) EXCEPTION WITH RESPECT TO CONFIDEN-
21 TIALITY OF CERTAIN MEDICAL RECORDS.—Section
22 7332(b)(2) of title 38, United States Code, is amended
23 by adding at the end the following new subparagraph:

24 “(G) To a State controlled substance mon-
25 itoring program, including a program approved

1 by the Secretary of Health and Human Services
2 under section 399O of the Public Health Serv-
3 ice Act (42 U.S.C. 280g-3), to the extent nec-
4 essary to prevent misuse and diversion of pre-
5 scription medicines.”.

6 SEC. 231. The Secretary of Veterans Affairs shall
7 provide on a quarterly basis to the Committees on Appro-
8 priations of both Houses of Congress notification of any
9 single national outreach and awareness marketing cam-
10 paign in which obligations exceed \$2,000,000. The first
11 report shall be submitted no later than April 15, 2012.

12 SEC. 232. None of the funds made available by this
13 Act may be used to declare as excess to the needs of the
14 Department of Veterans Affairs or otherwise take any ac-
15 tion to exchange, trade, auction, transfer, or otherwise dis-
16 pose of, or reduce the acreage of, Federal land and im-
17 provements at the St. Albans campus, consisting of ap-
18 proximately 55 acres of land, with borders near Linden
19 Boulevard on the northwest, 115th Avenue on the west,
20 the Long Island Railroad on the northeast, and Baisley
21 Boulevard on the southeast.

22 SEC. 233. None of the funds made available in this
23 Act may be used to enter into a contract using procedures
24 that do not give to small business concerns owned and con-
25 trolled by veterans (as that term is defined in section

1 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3))
2 that are included in the database under section 8127(f)
3 of title 38, United States Code, any preference available
4 with respect to such contract, except for a preference given
5 to small business concerns owned and controlled by serv-
6 ice-disabled veterans (as defined in section 3(q)(2) of the
7 Small Business Act (15 U.S.C. 632(q)(2))).

8 SEC. 234. Section 315(b) of title 38, United States
9 Code, is amended by striking “December 31, 2011” and
10 inserting “December 31, 2012”.

58.

1 TITLE III

2 RELATED AGENCIES

3 AMERICAN BATTLE MONUMENTS COMMISSION

4 SALARIES AND EXPENSES

5 For necessary expenses, not otherwise provided for,
6 of the American Battle Monuments Commission, including
7 the acquisition of land or interest in land in foreign coun-
8 tries; purchases and repair of uniforms for caretakers of
9 national cemeteries and monuments outside of the United
10 States and its territories and possessions; rent of office
11 and garage space in foreign countries; purchase (one-for-
12 one replacement basis only) and hire of passenger motor
13 vehicles; not to exceed \$7,500 for official reception and
14 representation expenses; and insurance of official motor
15 vehicles in foreign countries, when required by law of such
16 countries, \$61,100,000, to remain available until ex-
17 pended.

18 FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

19 For necessary expenses, not otherwise provided for,
20 of the American Battle Monuments Commission, such
21 sums as may be necessary, to remain available until ex-
22 pended, for purposes authorized by section 2109 of title
23 36, United States Code.

1 UNITED STATES COURT OF APPEALS FOR VETERANS

2 CLAIMS

3 SALARIES AND EXPENSES

4 For necessary expenses for the operation of the
5 United States Court of Appeals for Veterans Claims as
6 authorized by sections 7251 through 7298 of title 38,
7 United States Code, \$30,770,000: *Provided*, That
8 \$2,726,323 shall be available for the purpose of providing
9 financial assistance as described, and in accordance with
10 the process and reporting procedures set forth, under this
11 heading in Public Law 102-229.

12 DEPARTMENT OF DEFENSE—CIVIL

13 CEMETERIAL EXPENSES, ARMY

14 SALARIES AND EXPENSES

15 For necessary expenses, as authorized by law, for
16 maintenance, operation, and improvement of Arlington
17 National Cemetery and Soldiers' and Airmen's Home Na-
18 tional Cemetery, including the purchase or lease of pas-
19 senger motor vehicles for replacement on a one-for-one
20 basis only, and not to exceed \$1,000 for official reception
21 and representation expenses, \$45,800,000, to remain
22 available until expended. In addition, such sums as may
23 be necessary for parking maintenance, repairs and re-
24 placement, to be derived from the "Lease of Department
25 of Defense Real Property for Defense Agencies" account.

1 Funds appropriated under this Act may be provided
2 to Arlington County, Virginia, for the relocation of the
3 federally owned water main at Arlington National Ceme-
4 tery making additional land available for ground burials.

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

7 For expenses necessary for the Armed Forces Retire-
8 ment Home to operate and maintain the Armed Forces
9 Retirement Home—Washington, District of Columbia,
10 and the Armed Forces Retirement Home—Gulfport, Mis-
11 sissippi, to be paid from funds available in the Armed
12 Forces Retirement Home Trust Fund, \$67,700,000, of
13 which \$2,000,000 shall remain available until expended
14 for construction and renovation of the physical plants at
15 the Armed Forces Retirement Home—Washington, Dis-
16 trict of Columbia, and the Armed Forces Retirement
17 Home—Gulfport, Mississippi.

18 GENERAL FUND PAYMENT, ARMED FORCES RETIREMENT

19 HOME

20 For payment to the “Armed Forces Retirement
21 Home”, \$14,630,000, to remain available until expended,
22 for expenses necessary to mitigate structural damage sus-
23 tained to buildings on the Armed Forces Retirement
24 Home—Washington, District of Columbia, campus as a
25 result of the August 2011 earthquake.

1 TITLE IV
2 OVERSEAS CONTINGENCY OPERATIONS
3 DEPARTMENT OF DEFENSE
4 MILITARY CONSTRUCTION, ARMY

5 For an additional amount for “Military Construction,
6 Army”, \$80,000,000, to remain available until September
7 30, 2012: *Provided*, That such amount is designated by
8 the Congress for Overseas Contingency Operations/Global
9 War on Terrorism pursuant to section 251(b)(2)(A) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 MILITARY CONSTRUCTION, NAVY AND MARINE CORPS
13 For an additional amount for “Military Construction,
14 Navy and Marine Corps”, \$189,703,000, to remain avail-
15 able until September 30, 2012: *Provided*, That such
16 amount is designated by the Congress for Overseas Con-
17 tingency Operations/Global War on Terrorism pursuant to
18 section 251(b)(2)(A) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985.

20 ADMINISTRATIVE PROVISIONS
21 (INCLUDING RESCISSION OF FUNDS)

22 SEC. 401. Of the unobligated balances in title IV, di-
23 vision E of Public Law 111–117, \$269,703,000 are hereby
24 rescinded: *Provided*, That such amount is designated by
25 the Congress for Overseas Contingency Operations/Global

1 War on Terrorism pursuant to section 251(b)(2)(A) of the
2 Balanced Budget and Emergency Deficit Control Act of
3 1985.

4 ~~【Sec. 402. Notwithstanding any other provision of a~~
5 ~~law, funds made available by this title may be obligated,~~
6 ~~and expended to carry out planning and design and mili-~~
7 ~~tary construction projects not otherwise authorized by law:~~
8 ~~Provided, That the authority provided in this section shall~~
9 ~~expire on September 30, 2012, or the date of enactment~~
10 ~~of a National Defense Authorization Act for Fiscal Year~~
11 ~~2012, whichever occurs first.】~~

1 TITLE V

2 GENERAL PROVISIONS

3 SEC. 501. No part of any appropriation contained in
4 this Act shall remain available for obligation beyond the
5 current fiscal year unless expressly so provided herein.

6 SEC. 502. None of the funds made available in this
7 Act may be used for any program, project, or activity,
8 when it is made known to the Federal entity or official
9 to which the funds are made available that the program,
10 project, or activity is not in compliance with any Federal
11 law relating to risk assessment, the protection of private
12 property rights, or unfunded mandates.

13 SEC. 503. Such sums as may be necessary for fiscal
14 year 2012 for pay raises for programs funded by this Act
15 shall be absorbed within the levels appropriated in this
16 Act.

17 SEC. 504. No part of any funds appropriated in this
18 Act shall be used by an agency of the executive branch,
19 other than for normal and recognized executive-legislative
20 relationships, for publicity or propaganda purposes, and
21 for the preparation, distribution, or use of any kit, pam-
22 phlet, booklet, publication, radio, television, or film presen-
23 tation designed to support or defeat legislation pending
24 before Congress, except in presentation to Congress itself.

1 SEC. 505. All departments and agencies funded under
2 this Act are encouraged, within the limits of the existing
3 statutory authorities and funding, to expand their use of
4 “E-Commerce” technologies and procedures in the con-
5 duct of their business practices and public service activi-
6 ties.

7 SEC. 506. Unless stated otherwise, all reports and no-
8 tifications required by this Act shall be submitted to the
9 Subcommittee on Military Construction and Veterans Af-
10 fairs, and Related Agencies of the Committee on Appro-
11 priations of the House of Representatives and the Sub-
12 committee on Military Construction and Veterans Affairs,
13 and Related Agencies of the Committee on Appropriations
14 of the Senate.

15 SEC. 507. None of the funds made available in this
16 Act may be transferred to any department, agency, or in-
17 strumentality of the United States Government except
18 pursuant to a transfer made by, or transfer authority pro-
19 vided in, this or any other appropriations Act.

20 SEC. 508. None of the funds made available in this
21 Act may be used for a project or program named for an
22 individual serving as a Member, Delegate, or Resident
23 Commissioner of the United States House of Representa-
24 tives.

1 SEC. 509. (a) Any agency receiving funds made avail-
2 able in this Act, shall, subject to subsections (b) and (c),
3 post on the public website of that agency any report re-
4 quired to be submitted by the Congress in this or any
5 other Act, upon the determination by the head of the agen-
6 cy that it shall serve the national interest.

7 (b) Subsection (a) shall not apply to a report if—

8 (1) the public posting of the report com-
9 promises national security; or

10 (2) the report contains confidential or propri-
11 etary information.

12 (c) The head of the agency posting such report shall
13 do so only after such report has been made available to
14 the requesting Committee or Committees of Congress for
15 no less than 45 days.

16 SEC. 510. (a) None of the funds made available in
17 this Act may be used to maintain or establish a computer
18 network unless such network blocks the viewing,
19 downloading, and exchanging of pornography.

20 (b) Nothing in subsection (a) shall limit the use of
21 funds necessary for any Federal, State, tribal, or local law
22 enforcement agency or any other entity carrying out crimi-
23 nal investigations, prosecution, or adjudication activities.

24 SEC. 511. (a) IN GENERAL.—None of the funds ap-
25 propriated or otherwise made available to the Department

1 of Defense in this Act may be used to construct, renovate,
2 or expand any facility in the United States, its territories,
3 or possessions to house any individual detained at United
4 States Naval Station, Guantanamo Bay, Cuba, for the
5 purposes of detention or imprisonment in the custody or
6 under the control of the Department of Defense.

7 (b) The prohibition in subsection (a) shall not apply
8 to any modification of facilities at United States Naval
9 Station, Guantanamo Bay, Cuba.

10 (c) An individual described in this subsection is any
11 individual who, as of June 24, 2009, is located at United
12 States Naval Station, Guantanamo Bay, Cuba, and who—

13 (1) is not a citizen of the United States or a
14 member of the Armed Forces of the United States;
15 and

16 (2) is—

17 (A) in the custody or under the effective
18 control of the Department of Defense; or

19 (B) otherwise under detention at United
20 States Naval Station, Guantanamo Bay, Cuba.

21 SEC. 512. None of the funds appropriated or other-
22 wise made available in this Act may be used by an agency
23 of the executive branch to pay for first-class travel by an
24 employee of the agency in contravention of sections 301–

1 10.122 through 301-10.124 of title 41, Code of Federal
2 Regulations.

3 SEC. 513. None of the funds provided in this Act may
4 be used to execute a contract for goods or services, includ-
5 ing construction services, where the contractor has not
6 complied with Executive Order No. 12989.

7 SEC. 514. None of the funds made available by this
8 Act may be used to enter into a contract, memorandum
9 of understanding, or cooperative agreement with, or to
10 make a grant to, any corporation that was convicted of
11 a felony criminal violation under any Federal or State law
12 within the preceding 24 months, where the awarding agen-
13 cy is aware of the conviction, unless the agency has consid-
14 ered suspension or debarment of the corporation and made
15 a determination that this further action is not necessary
16 to protect the interests of the Government.

17 This division may be cited as the “Military Construc-
18 tion and Veterans Affairs, and Related Agencies Appro-
19 priations Act, 2012”.